
**Court of Appeals
Fifth District of Texas at Dallas**

No. 05-21-00242-CV

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS

7/26/2021 10:07:20 AM

LISA MATZ
Clerk

IN THE INTEREST OF M.C.M. AND M.A.M., CHILDREN

No. 05-21-00360-CV

MOLLY WILKERSON, Appellant

V.

MARK MALDONADO, Appellee

No. 05-21-00373-CV

IN THE INTEREST OF M.C.M. AND M.A.M., CHILDREN

**On Appeal from the 366th Judicial District Court
Collin County, Texas**

Trial Court Cause Nos. 366-53554-2020, 366-51795-2021, and 366-50778-2021

**RESPONSE TO TRIAL COURT'S ORDER DENYING INDIGENT STATUS AND
REQUEST TO PROCEED WITHOUT COST**

TO THE HONORABLE JUSTICES OF THE FIFTH COURT OF APPEALS,

Appellant is currently being deprived of the fundamental right to parent her children, and every moment spent debating court costs is another precious moment lost. Appellant has already lost eight months of precious moments, and after so long, this has undeniably inflicted extreme psychological and emotional damage on the children -damage that can never be undone because a 6-year-old little boy and an 8-year-old little girl do not have words to describe such feelings or an understanding of the world to apply such a tragic experience nor should an understanding be

expected when not even rational adults can explain this injustice. “Actions breaking the link between a parent and child “can never be justified without the most solid and substantial reasons.” State v. Deaton, 93 Tex. 243, 54 S.W. 901 (1900)

The trial court is aware, Appellant was left without equal protection of the law when Appellee denied the existence of their informal marriage, and the trial court subsequently denied Appellant any access to the marital estate she contributed to during the 14-years prior to filing for divorce. As Appellant explains in the hearing record, Appellee, through opposing counsel, harassed her counsel and forced her withdraw after only three months of litigation. Appellee proceeded through the pendency of the divorce and trial with three attorneys while Appellant was left to her own defense.

Following trial on January 27, 2021, orders were rendered at Appellee’s request which conditioned visitation on his approval allowing him to attempt to erase Appellant from the lives of their children. Over the week that followed, Appellant lost her job and had to put her last semester of graduate school practicum on hold because of the extensive litigation and the overwhelming trauma of the deprivation of access to her children. She spent 500 dollars to immediately rent a truck and move out of her residence. Appellant had also just spent 400 dollars to take a voluntary 14-panel hair follicle test to trial to defend herself against Appellee’s baseless accusations from previous hearings. Opposing counsel literally called Appellant a

“drug test faker” at trial. The trial court stated he did not believe her test was fake, but regardless, he ordered her to take drug tests that cost 60 dollars twice a month with the first one required before seeing her children. That amongst several other expensive, senseless conditions were met just to have Appellee continue to deny visitation.

Appellee’s counsel has not limited their costly interference to this civil matter. On February 11, 2021, opposing counsel involved themselves in a criminal matter to support false allegations that Appellant strangled Appellee. The criminal matter that would have already been dismissed absent the harassment of the Dallas County Prosecutor has temporarily halted Appellant’s career in education. On April 5, 2021, three months following trial, Appellee’s counsel submitted *Findings of Fact and Law* for the trial court to sign off on which include libelous claims with no evidentiary basis and completely contradictory to what the trial court rendered on record in his actual findings, (see [Exhibit A](#), *Email Request for Word Version*). Opposing counsel, Claire James, sent the slander to the prosecutor in one of countless emails she has harassed him with, (see [Exhibit B](#), *Email Chain 2*). Currently, Appellee continues to involve himself in obstructing justice. The order denying indigency submitted to the trial court for signing was submitted by his counsel team, yet he has no reason to involve himself in this present matter, (see [Exhibit C](#), *Appellee’s Order for Judge to Sign*).

On March 3, 2021, the trial court signed orders that modified conservatorship without any request served. The conditions became even more expensive and changed terms of conservatorship and visitation -not that Appellant had any rights or visitation left regardless. The trauma has been unnecessarily exacerbated by restricting Appellant's due process rights via sealing records, refusing to allow hearings on clarification, and lastly, on April 20, 2021, via Texas Civil Practice and Remedies Code § 11, (see [*Exhibit D, Attempted Filings*](#)). Appellant's fulltime job became learning the law to try to simply see or speak to her children which without the time commitment, her case would likely not be before this court, and her children would be forever lost to Appellee's abuse of process.

Appellant brings the aforementioned facts for the Court's consideration of her inability to afford costs as well as the relevant laws she cited in the *Brief* she presented to the trial court prior to the hearing, (see [*Exhibit E, Brief for Indigence Hearing*](#)). Appellant has paid for the rulings included in her Mandamus Petition, and she would pay for the complete record if she could. Appellant's youngest child turned six on Saturday, July 24th. There is no justification for any pain or confusion this little boy felt on his birthday wondering why his mom missed his day. There is no justification for the grief Appellant, MCM, and MAM have felt over the last eight months, and there was no justification in going through yet another hearing when Appellant's financial state is obvious.

PRAYER

Despite the violations of Appellant's most fundamental rights and the efforts to chill any will to keep fighting to get those most precious rights back, Appellant is here before this Honorable Court, and she prays this Court grant a fair opportunity for her to present her appeals. Appellant further prays for any other relief the Honorable Fifth Court of Appeals deems necessary in law and in equity.

Respectfully submitted,

/s/ Molly Wilkerson

Molly Wilkerson

Appellant, Pro se

CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on Mark Maldonado's Attorneys of record as listed below in accordance with the Tex. Rules of Civ. Proc. on July 26, 2021 2021.

Attorneys for Mark Maldonado

G. Tony Mallers

Texas Bar No. 12861500

tmallers@cowlesthompson.com

Claire E James

Texas Bar No. 24083240

cjames@cowlesthompson.com

Gracen M. Daniel

Texas Bar No. 24116248

gdaniel@cowlesthompson.com

/s/ Molly Wilkerson

Molly L. Wilkerson /Pro se

Phone: 214-636-4719

Email: missmolly2020@aol.com

Address: 218 Castleridge dr.

Little Elm, TX 75068

EXHIBIT A:

Opposing Counsel Response to trial
Court's Request for Word version of their
Proposed Findings of Facts and
Conclusions of Law

From: gdaniel@cowlesthompson.com,

To: mbeaty@co.collin.tx.us,

Cc: missmolly2020@aol.com, tandersen@cowlesthompson.com, tmallers@cowlesthompson.com, cjames@cowlesthompson.com,

Subject: FW: Findings of Fact/Conclusions of Law: 366-53554-2020

Date: Mon, Apr 5, 2021 9:03 am

Attachments: Proposed Findings of Fact and Conclusions of Law.DOCX (29K)

Ms. Beaty –

Our e-filing was just returned with instructions to submit a word version of Mr. Maldonado's proposed Findings of Fact and Conclusions of Law in the above-referenced case. In case our Word version got lost in your inbox, please see the attached Word version.

Sincerely,

Gracen

Gracen Daniel

Associate Attorney

COWLES & THOMPSON

4965 Preston Park Blvd., Ste.320, Plano TX 75093

214.672.2115 (t) | gdaniel@cowlesthompson.com

214.672.2315 (f) | www.cowlesthompson.com

From: Daniel, Gracen

Sent: Wednesday, March 31, 2021 4:13 PM

To: mbeaty@co.collin.tx.us

Cc: 'Molly L Wilkerson' <missmolly2020@aol.com>; Andersen, Trechelle L <tandersen@cowlesthompson.com>; James, Claire <cjames@cowlesthompson.com>; Mallers, Tony <tmallers@cowlesthompson.com>

Subject: Findings of Fact/Conclusions of Law: 366-53554-2020

Ms. Beaty,

Attached please find a MS Word version of Mark Maldonado's proposed Findings of Fact and Conclusions of Law for the above-referenced case which was just e-filed by our office.

Sincerely,

Gracen Daniel

Gracen Daniel

Associate Attorney

COWLES & THOMPSON

4965 Preston Park Blvd., Ste.320, Plano TX 75093

214.672.2115 (t) | gdaniel@cowlesthompson.com

214.672.2315 (f) | www.cowlesthompson.com

EXHIBIT B:

Libel - Opposing Counsel, Claire
James, Email Chain 1 to Dallas County
Prosecutor

From: James, Claire <cjames@cowlesthompson.com>
Sent: Monday, April 26, 2021 10:56 AM
To: Clinton Stiffler
Cc: Daniel, Gracen; Paredes, Rita; Mallers, Tony
Subject: RE: [External Sender]Molly Wilkerson
Attachments: 21-Mar-03 Excerpt Jesse Adkins.pdf; 21-Mar-03 Excerpt Ronald Garcia.pdf

Hi Clint –

As promised, attached are two transcript excerpts from the 3/3/21 hearing in the 366th Judicial District Court of Collin County. These excerpts contain the testimony Jesse Adkins, a restaurant employee and eyewitness to the alleged offense, and Ronald Garcia, the arresting officer.

Please let me know if you have difficulty with these attachments or if you would like to discuss.

Thanks,
Claire James

Claire E. James
Shareholder

COWLES & THOMPSON

Bank of America Plaza
901 Main Street, Suite 3900
Dallas, Texas 75202

Preston Park Financial Center East
4965 Preston Park Boulevard, Suite 320
Plano, Texas 75093

214.672.2116 (t) | cjames@cowlesthompson.com
214.672.2020 (f) | www.cowlesthompson.com

From: James, Claire
Sent: Friday, April 16, 2021 4:32 PM
To: Clinton Stiffler <Clinton.Stiffler@dallascounty.org>
Cc: Mallers, Tony <tmallers@cowlesthompson.com>; Daniel, Gracen <gdaniel@cowlesthompson.com>; Andersen, Trechelle L <tandersen@cowlesthompson.com>
Subject: RE: [External Sender]Molly Wilkerson

Hi Clint –

By way of follow up to my email below regarding the Molly Wilkerson matter, I want to let you know one of the documents I plan to send is a partial hearing transcript from a 3/3/21 hearing. The transcript will contain the testimony of Jesse Adkins, a restaurant employee and eyewitness to the events giving rise to Ms. Wilkerson's arrest, and the arresting officer. We have requested the transcript and will forward it to you when we receive it.

For now, I have attached a copy of the Findings of Fact and Conclusions of Law issued by Judge Tom Nowak of the 366th District Court in Collin County, some of which relate to the criminal matter. I have highlighted the items I think you may find relevant. Of particular note are the following findings: (1) Ms. Wilkerson has a history or pattern of committing family violence in the 2 years preceding the custody suit or during the pendency of the suit (including on the night of her arrest); (2) Ms. Wilkerson told the parties' young children she was going to kill their daddy; (3) on February 5, 2021, just before the incident giving rise to the criminal case, Ms. Wilkerson attempted to physically remove the children from their school when she had no legal right to possession; and (4) Ms. Wilkerson habitually violated court orders during the pendency of the case.

I have also attached a drug test Ms. Wilkerson submitted last Fall, wherein she tested positive for methamphetamine and amphetamine, which may or may not be relevant to you. Ms. Wilkerson asserted that the result was due to prescription Adderall, but the Court found (after considering expert testimony) that the result was due to illicit methamphetamine use. My understanding is Ms. Wilkerson has a history of using and abusing alcohol and drugs, and she was reportedly intoxicated on the night in question.

Please let me know if we can be of assistance, and I will send you the transcript excerpts as soon as I have them. Thanks for your time and attention to this.

Best,
Claire

Claire E. James

COWLES & THOMPSON

Preston Park Financial Center East
4965 Preston Park Blvd., Suite 320
Plano, Texas 75093

214.672.2116 (t) | cjames@cowlesthompson.com

214.672.2020 (f) | www.cowlesthompson.com

Sent: Friday, April 9, 2021 5:21 PM

To: Clinton Stiffler <Clinton.Stiffler@dallascounty.org>

Subject: Re: [External Sender]Molly Wilkerson

Thanks, Clint, for your email, and happy Friday. I will get some relevant documents to you in the near term. In the meantime, if you have time for a five minute call, I can give you the high points. My cell number is 214-930-8519. I know you guys are slammed, so please feel free to call whenever it's convenient.

Thanks,
Claire

Sent from my iPhone.

EXHIBIT C:
Appellee's Proposed Order on
Appellant's Indigent Status

CASE NO. 366-53554-2020

**IN THE MATTER OF
THE MARRIAGE OF**

**MOLLY L. WILKERSON
AND
MARK MALDONADO**

**AND IN THE INTEREST OF
M.C.M. AND M.A.M., CHILDREN**

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IN THE DISTRICT COURT

366th JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

ORDER ON CONTEST OF AFFIDAVIT OF INABILITY TO PAY COSTS

On June 25, 2021, the Court considered Antoinette Varela's *Contest of Affidavit of Inability to Pay Costs* (the "Motion") filed on June 15, 2021. After considering the Motion, any evidence presented, and the arguments Molly Wilkerson, pro se, and Antoinette Varela, the Official Court Reporter of the 366th Judicial District Court, the Court finds Motion and the relief requested therein is wholly **GRANTED**.

IT IS, THEREFORE, ORDERED that Molly Wilkerson is found not to be indigent, and she is therefore required to pay any fees relating to the court reporter's records in the cases arising out of cause numbers 366-53554-2020, 366-50778-2021, and 366-51795-2021.

IT IS FURTHER ORDERED that Molly Wilkerson's request for indigency status is **DENIED**.

SIGNED on 7/17/2021, 2021.



JUDGE PRESIDING

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Trechelle Andersen on behalf of George (Tony) Mallers
Bar No. 12861500
tandersen@cowlesthompson.com
Envelope ID: 55202787
Status as of 7/19/2021 12:41 PM CST

Associated Case Party: MollyL.Wilkerson

Name	BarNumber	Email	TimestampSubmitted	Status
Molly Wilkerson		missmolly2020@aol.com	7/9/2021 1:48:10 PM	SENT

Associated Case Party: Mark Maldonado

Name	BarNumber	Email	TimestampSubmitted	Status
Claire E.James		cjames@cowlesthompson.com	7/9/2021 1:48:10 PM	SENT
Gracen Daniel		gdaniel@cowlesthompson.com	7/9/2021 1:48:10 PM	SENT
George Mallers		tmallers@cowlesthompson.com	7/9/2021 1:48:10 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
A. Varella		avarella@co.collin.tx.us	7/9/2021 1:48:10 PM	SENT

EXHIBIT D:
Denied Filing Requests

CAUSE NO. 366-53554-2020

**IN THE MATTER OF
THE MARRIAGE OF**

**MOLLY L. WILKERSON
AND
MARK MALDONADO**

**AND IN THE INTEREST OF
M.C.M. AND M.A.M., CHILDREN**

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IN THE DISTRICT COURT

366TH JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

**ORDER DENYING PERMISSION FOR VEXATIOUS LITIGANT
TO FILE BILL OF EXCEPTION**

The local administrative district judge has reviewed the *Request for Permission for Vexatious Litigant to File Appellant's First Formal Bill of Exception for Appeal 05-21-00242-CV* attempted to be filed by Molly Wilkerson on 5/10/2021.

Molly Wilkerson is subject to a vexatious litigant prefilng order pursuant to Tex. Civ. Prac. & Rem. Code Ch. 11 entered in cause number 366-51795-2021 on April 21, 2021.

The local administrative judge has determined without a hearing that the request should be DENIED.

The Bill of Exception primarily contains a request to file Molly Wilkerson's own Findings of Fact and Conclusions of Law, attached as Exhibit E to the pleading. The vexatious litigant already had the opportunity to file her proposed findings of fact and conclusions of law before the trial court entered its own. Specifically, the following relevant pleadings appear in the court's record:

2/11/2021 – Molly Wilkerson filed her *Motion for Findings of Fact and Conclusions of Law Regarding Suit Affecting Parent-Child Relationship*. No proposed findings were included.

2/16/2021 – Molly Wilkerson filed her *Motion for Findings of Fact and Conclusions of Law Regarding the Matter of the Informal Marriage*. No proposed findings were included.

3/3/2021 – the Court granted Mark Maldonado's motion to strike Molly Wilkerson's *Motion for Findings of Fact and Conclusions of Law Regarding Suit Affecting Parent-Child Relationship*, because she attached a nude photo of the minor children to the pleading.

3/4/2021 – Molly Wilkerson filed her *Motion for Findings of Fact and Conclusions of Law Regarding Suit Affecting Parent-Child Relationship*. No proposed findings were included.

3/16/2021 – Molly Wilkerson filed her *Notice of Past-Due Findings of Fact and Conclusions of Law Regarding the Matter of the Informal Marriage*. No proposed findings were included.

3/23/2021 – Molly Wilkerson filed her *Notice of Past-Due Findings of Fact and Conclusions of Law Regarding Suit Affecting Parent-Child Relationship*. No proposed findings were included.

4/5/2021 – the Court entered its *Findings of Fact and Conclusions of Law*.

4/19/2021 – Molly Wilkerson filed her *Objection to and Motion to Strike Respondent's Proposed Findings of Facts and Conclusions of Law; and Motion for Sanctions*. She refers in the motion to her proposed findings of fact and conclusions of law purportedly attached as Exhibit A. Exhibit A appears to be a copy of the court's findings, with highlighted portions described by the movant as "All highlighted statements are lies and slander." No other proposed findings were attached.

4/21/2021 – the Court entered an order overruling these objections and denying Molly Wilkerson's requested findings.

It does not appear that this request to file a formal bill of exception has merit and has not been filed for the purposes of harassment or delay.

IT IS ORDERED that the district clerk shall not file the proposed *Request for Permission for Vexatious Litigant to File Appellant's First Formal Bill of Exception for Appeal 05-21-00242-CV*.

SIGNED 5/17/2021.

/s/ Judge Emily Miskel
Local Administrative District Judge

CASE NO. 366-53554-2020

**IN THE MATTER OF
THE MARRIAGE OF**

**MOLLY L. WILKERSON
AND
MARK MALDONADO**

**AND IN THE INTEREST OF
M.C.M. AND M.A.M.,
CHILDREN**

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IN THE DISTRICT COURT

366th JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

**APPELLANT'S FIRST FORMER BILL OF EXCEPTION FOR APPEAL 05-21-
00242-CV**

On this date, April 5, 2021, the Court considered Respondent, Mark Maldonado's *Proposed Finding of Facts and Conclusions of Law*, attached herein as *Exhibit A*. While submitted untimely - Final Trial was January 27, 2021, there is reason to believe that such document was still added to the official court record. OC Gracen Daniel's Responded to Court Request for "*Word Version*;" *Exhibit B*. The records were sealed upon Opposing Counsel's request on April 1, 2021 -*see Exhibit C*.

Petitioner Molly L. Wilkerson Immediately objected to the FFCL submitted and filed a subsequent motion: *PETITIONER'S OBJECTION TO AND MOTION TO STRIKE RESPONDENT'S PROPOSED FINDINGS OF FACTS AND CONCLUSIONS OF LAW; AND MOTION FOR SANCTIONS*; attached herein as *exhibit D*; as well as her own *Proposed Findings of Facts and Conclusions of Law*, submitted on April 20, 2021, were immediately returned without explanation. *See Exhibit D*.

Appellant/Petitioner, Molly Wilkerson requests the Court take necessary actions to correct Findings and Facts and Conclusions of Law on Record according to actual findings rendered at trial and with sufficient evidentiary support in accordance with TRAP 33.2.

Necessary Action in Preserving Appeal Record

33.2. Formal Bills of Exception - To complain on appeal about a matter that would not otherwise appear in the record, a party must file a formal bill of exception.

33.2 (c)(1) The complaining party must first present a formal bill of exception to the trial court.

Respectfully submitted,

By: /s/
Molly L. Wilkerson
Litigant, Pro se

218 Castleridge Dr.
Little Elm, TX 75068
(214) 636-4719 (Tel)
Email: missmolly2020@aol.com

CAUSE NO. 366-53554-2020

IN THE MATTER OF
THE MARRIAGE OF

MOLLY L. WILKERSON
AND
MARK MALDONADO

AND IN THE INTEREST OF
M.C.M. AND M.A.M., CHILDREN

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IN THE DISTRICT COURT

366TH JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

**ORDER DENYING PERMISSION FOR VEXATIOUS LITIGANT TO FILE
MOTION TO CORRECT, REFORM, OR CLARIFY FINAL SAPCR**

The local administrative district judge has reviewed the *Request for Permission for Vexatious Litigant to File Motion to Correct, Reform, or Clarify Final SAPCR* attempted to be filed by Molly Wilkerson on 6/28/2021.

Molly Wilkerson is subject to a vexatious litigant prefilng order pursuant to Tex. Civ. Prac. & Rem. Code Ch. 11 entered in cause number 366-51795-2021 on April 21, 2021.

The local administrative judge has determined without a hearing that the request should be DENIED.

The proposed *Motion to Correct, Reform, or Clarify Final SAPCR* was attempted to be filed 117 days after the judgment was signed.

It does not appear that the request has merit and has not been filed for the purposes of harassment or delay.

IT IS ORDERED that the district clerk shall not file the proposed *Request for Permission for Vexatious Litigant to File Motion to Correct, Reform, or Clarify Final SAPCR*.

SIGNED 7/2/2021.

/s/ Judge Emily Miskel
Local Administrative District Judge

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

CASE NO. 366-53554-2020

**IN THE MATTER OF
THE MARRIAGE OF**

**MOLLY L. WILKERSON
AND
MARK MALDONADO**

**AND IN THE INTEREST OF
M.C.M. AND M.A.M., CHILDREN**

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IN THE DISTRICT COURT

366th JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

**MOTION TO CORRECT, REFORM, OR CLARIFY FINAL ORDER IN SUIT
AFFECTING PARENT-CHILD RELATIONSHIP**

TO THE HONORABLE COURT:

Petitioner, MOLLY L. WILKERSON, files this Motion to Correct, Reform, or Clarify Final Order in Suit Affecting Parent-Child Relationship signed on March 3, 2021 pursuant to Rule 329b of the Texas Rules of Civil Procedure, and in support respectfully states as follows:

UNPERRFORMABLE, UNENFORCEABLE CONDITIONS

1. On January 27, 2021, this suit on the Matter of the Marriage was tried before the Court. The Court made its rulings on the record. On March 3, 2021, the Court signed a Modified Final Order in Suit Affecting Parent-Child Relationship (the "Order").

2. Certain provisions were impossible to perform: having 5,000 dollars within less than a week's notice to schedule a psychological evaluation, establishing Respondent, MARK MALDONADO'S portion of registration at Hanna's House, finding a new anger management course by the passed date of February 15, 2021, and establishing visitation at a facility that is not operational.

3. Other provisions are impossible to enforce because Respondent is not willing to allow visitation. As long as visitation is conditioned on his approval, Petitioner will not be permitted ANY visitation or communication with the children. Respondent has instructed his attorneys to

cease all communication with Petitioner unless ordered by the Court (see Exhibit A).

4. In light of Petitioner's compliance with orders: drug testing, counseling, anger management, BIPP, and scheduling the psychological evaluation, Petitioner requests corrections or clarification as to the requirements and conditions of visitation.

PRAYER

WHEREFORE, Petitioner respectfully requests the Court to amend, reform or clarify the Final Order in Suit Affecting Parent-Child Relationship by signing the order attached hereto as Exhibit B, or in the alternative set a hearing to establish workable terms of possession and access. Petitioner prays for all other and such further relief, at law or in equity, to which she may be justly entitled.

Respectfully submitted,

/s/ Molly Wilkerson

Molly Wilkerson
missmolly2020@aol.com

From: cjames@cowlesthompson.com,
To: missmolly2020@aol.com,
Cc: tmallers@cowlesthompson.com, gdaniel@cowlesthompson.com, tandersen@cowlesthompson.com
Subject: Re: Conditions Precedent
Date: Fri, Apr 23, 2021 7:43 am



Molly -

Mr. Maldonado will not agree to a provider other than Benjamin Albritton, the provider in the order.

Please know that we have been instructed not to respond to the emails you send unless we are required by applicable law, rule, or court order to do so. This case is CLOSED. It costs our client money for me and/or my colleagues to read and respond to your emails. The Final Orders are very clear as to your requirements. Mr. Maldonado will not be agreeing to change the requirements. Continuing to send emails will not change that.

Again, I would very strongly suggest you obtain an attorney to advise you with respect to these matters. We represent Mr. Maldonado, so we cannot give you legal advice.

Thank you.

Claire James

Sent from my iPhone.

On Apr 23, 2021, at 12:18 AM, Molly L Wilkerson <missmolly2020@aol.com> wrote:

I have come up with three affordable solutions for the mental health evaluation your client is requesting:

1) TEXAS CARE CENTER

Phone: 1-888-98TODAY,
(1-888-988-6329)

2) UNT - Psychology Clinic - Terrill Hall - 1611 West Mulberry - Room 171 – Denton – (940) 565-2631
Individual, marital, family, group and play therapy. Psychological evaluations. Sliding scale fees. Open Mon-Thurs. 8am-8pm and Fri. 8am-5pm;

3) Child and Family Guidance Center – Dallas - (214) 351-3490 - Mesquite - (972) 285-8834 – Plano – (972) -612.5989 Services include: clinical assessment, individual counseling, case management, psychiatric evaluation/diagnosis/medication management, community-based rehabilitative and skills training for adults and children, family and community education program. Sliding fee scale or insurance.

Let me know if any of these will work and once again, whether or not he will apply the strict deadline passed and try to deny visitation regardless. Thank you!

Molly Wilkerson

-----Original Message-----

From: Molly L Wilkerson <missmolly2020@aol.com>
To: cjames@cowlesthompson.com <cjames@cowlesthompson.com>
Sent: Thu, Apr 22, 2021 1:17 pm
Subject: Re: Conditions Precedent

There is a Blue Star Diagnostics, same company, located in Frisco. Ask him if that would be acceptable. I think it is a reasonable compromise. I am not sure why that is an issue. I am not sure why I am even taking them to begin with considering you people lied and said I was on drugs, and was not taking drug tests. Well, I

was taking tests, they are noticed to the court, and I will continue to report lies that are presented to the Judge to the State Bar. You also claimed I was not doing counseling; I have email documentation notifying you that I was, and I noticed my attendance to the court.

I will research affordable options for a psych. evaluation and present them for your consideration. The other concerns were the dates. You brought anger management up again and that it was supposed to be scheduled by 2/15 -well that date has passed, and I signed up for one, wasted 50 dollars, and this matter was never clarified. I do not know how you want this resolved. Same issue with the psych eval. I got Orders on 3/12, and I was expected to come up with 5k in three days? If 3/15 has already passed, what are your suggestions for proceeding? Are you going to deny visitation if an eval. is done because the date has passed? So, I think that sums up with what I mean by "come up" with solutions. Thanks in advance!

Molly Wilkerson

-----Original Message-----

From: James, Claire <cjames@cowlesthompson.com>

To: 'Molly Wilkerson' <missmolly2020@aol.com>

Cc: Daniel, Gracen <gdaniel@cowlesthompson.com>; Mallers, Tony <tmallers@cowlesthompson.com>;

Andersen, Trechelle L <tandersen@cowlesthompson.com>

Sent: Thu, Apr 22, 2021 12:49 pm

Subject: RE: Conditions Precedent

Molly -

We are in receipt of your emails requesting Mr. Maldonado to agree to modify the Final Order signed on March 3, 2021. Specifically, my understanding is you are requesting Mr. Maldonado to agree (1) that the required drug tests occur at a facility of your choosing and (2) that the psychological evaluation be completed by a professional of your choosing. Mr. Maldonado does not agree to these requests.

With respect to your question about whether Mr. Maldonado has "come up with solutions" as to when and how you can see the children, I'm not sure what you mean. I would refer you to the Final Order signed on March 3, 2021.

Thank you,
Claire

-----Original Message-----

From: Molly Wilkerson <missmolly2020@aol.com>

Sent: Thursday, April 22, 2021 11:49 AM

To: James, Claire <cjames@cowlesthompson.com>; Daniel, Gracen <gdaniel@cowlesthompson.com>;

Mallers, Tony <tmallers@cowlesthompson.com>

Subject: Re: Conditions Precedent

Hello,

As you know, the restrictive provisions in your Orders are not possible to carry out. Has your client come up with any solutions as to when and how I can see the children. I'll be in contact again soon. Thanks!

Sent from my iPhone

> On Apr 21, 2021, at 11:11 AM, Molly Wilkerson <missmolly2020@aol.com> wrote:
>



CASE NO. 366-53554-2020

IN THE MATTER OF
THE MARRIAGE OF

MOLLY L. WILKERSON
AND
MARK MALDONADO

AND IN THE INTEREST OF
M.C.M. AND M.A.M., CHILDREN

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IN THE DISTRICT COURT

366th JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

FINAL ORDER IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP

Date of Hearing

On January 26, 2021 and 27, 2021, the Court heard this case.

Appearances

Petitioner MARK MALDONADO (“Petitioner”) appeared in person and through his attorneys of record, George A. (Tony) Mallers and Claire E. James, and announced ready for trial.

Respondent MOLLY L. WILKERSON (“Respondent”) appeared in person, *pro se*, and announced ready for trial.

Jurisdiction

The Court finds that it has jurisdiction of the case and of all the parties.

Jury

A jury was waived and questions of fact and of law were submitted to the Court.

Record

The record of testimony was duly reported by Antoinette Varela, the Court Reporter for the 366th Judicial District Court of Collin County, Texas. For part of the testimony on January 27, 2021, the testimony was duly reported by Kim Tinsley, the Court Reporter for the 401st Judicial District Court, sitting for Antoinette Varela.

Children

The Court finds that the following children are subject of this suit:

- a) Name: Milanna Cassedie Maldonado

Sex: Female

Birth date: February 11, 2013

County of Residence: Collin County, Texas

- b) Name: Makade Anthony Maldonado

Sex: Male

Birth date: July 24, 2015

County of Residence: Collin County, Texas

Parenting Plan

The Court finds that the provisions in these orders relating to the rights and duties of the parties with relation to the children, possession of and access to the children, child support, and optimizing the development of a close and continuing relationship between each party and the children constitute the parenting plan established by the Court.

Possession and Access

1. *Possession Order (herein referred to as the "Standard Possession Order")*

IT IS ORDERED that each conservator shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs this Standard Possession Order. IT IS, THEREFORE, ORDERED:

- (a) Definitions

1. In this Standard Possession Order "school" means the primary or secondary school in which the child is enrolled or, if the child is not enrolled in a primary or secondary school, the public school district in which the child primarily resides.

2. In this Standard Possession Order "child" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

(b) Mutual Agreement or Specified Terms for Possession

IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of mutual agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order.

(c) Parents Who Reside 100 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when MOLLY WILKERSON resides 100 miles or less from the primary residence of the child, MOLLY WILKERSON shall have the right to possession of the child as follows:

1. Weekends -

On weekends that occur during the regular school term, beginning at 6:00 p.m., on the first, third, and fifth Friday of each month and ending at 8:00 p.m. on the following Sunday. (Modification of SPO)

On weekends that do not occur during the regular school term, beginning at 6:00 p.m., on the first, third, and fifth Thursday of each month and ending at 8:00 p.m. on the following Sunday. (Modification of SPO)

2. ~~Weekend Possession Extended by a Holiday – (Modification of SPO -Holiday Extension not Included)~~

~~Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by MOLLY WILKERSON begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at 6:00 p.m. on the immediately preceding Thursday.~~

~~Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by MOLLY WILKERSON ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 p.m. on that Monday.~~

3. Thursdays - On Thursday of each week during the regular school term, beginning at 6:00 p.m. and ending at 8:00 p.m.

4. ~~Spring Vacation in Odd Numbered Years – (Modification of SPO - Spring Vacation not Included)~~ ~~In odd-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before~~

~~school resumes after that vacation.~~

5. ~~Extended Summer Possession by MOLLY WILKERSON – (Modification of SPO -Summer Extension not Included)~~

~~With Written Notice by April 1 – If MOLLY WILKERSON gives MARK MALDONADO written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, MOLLY WILKERSON shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, with each period of possession beginning and ending at 6:00 p.m. on each applicable day, as specified in the written notice. These periods of possession shall begin and end at 6:00 p.m. on each applicable day.~~

~~Without Written Notice by April 1 – If MOLLY WILKERSON does not give MARK MALDONADO written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, MOLLY WILKERSON shall have possession of the child for thirty consecutive days in that year beginning at 6:00 p.m. on July 1 and ending at 6:00 p.m. on July 31.~~

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for MOLLY WILKERSON, it is expressly ORDERED that MARK MALDONADO shall have a superior right of possession of the children as follows:

1. Spring Vacation in Even-Numbered Years - In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

~~2. Summer Weekend Possession by MARK MALDONADO – If MARK MALDONADO gives MOLLY WILKERSON written notice by April 15 of a year, MARK MALDONADO shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of the extended summer possession by MOLLY WILKERSON in that year, provided that MARK MALDONADO picks up the child from MOLLY WILKERSON and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession.~~

3. Extended Summer Possession by MARK MALDONADO - If MARK MALDONADO gives MOLLY WILKERSON written notice by April 15 of a year or gives MOLLY WILKERSON fourteen days' written notice on or after April 16 of a year, MARK MALDONADO may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by MOLLY WILKERSON shall not take place in that year, provided that the weekend so designated does not interfere with MOLLY WILKERSON's period or periods of extended summer possession or with Father's Day possession.

(d) Parents Who Reside More Than 100 Miles Apart

Except as otherwise expressly provided in this Standard Possession Order, when MOLLY WILKERSON resides more than 100 miles from the residence of the child, MOLLY WILKERSON shall have the right to possession of the child as follows:

1. Weekends – Unless MOLLY WILKERSON elects the alternative period of weekend possession described in the next paragraph, MOLLY WILKERSON shall have the right to possession of the child on weekends that occur during the regular school term, beginning at 6:00 p.m. on the first, third, and fifth Friday of each month, and ending at 6:00 p.m. on the following Sunday, and on weekends that do not occur during the regular school term, beginning at 6:00 p.m. on the first, third and fifth Friday of each month and ending at 6:00 p.m. on the following Sunday.

Alternate Weekend Possession- In lieu of the weekend possession described in the foregoing paragraph, MOLLY WILKERSON shall have the right to possession of the child not more than one weekend per month of MOLLY WILKERSON 's choice beginning on 6:00 p.m. on the day school recesses for the weekend and ending at 6:00 p.m. on the day before school resumes after the weekend. MOLLY WILKERSON may elect an option for this alternative period of weekend possession by giving written notice to MARK MALDONADO within ninety days after the parties begin to reside more than 100 miles apart. If MOLLY WILKERSON makes this election, MOLLY WILKERSON shall give MARK MALDONADO fourteen days' written or telephonic notice preceding a designated weekend. The weekends chosen shall not conflict with provisions regarding Christmas, Thanksgiving, the child's birthday, and Mother's day possession below.

~~2. Weekend Possession Extended by a Holiday— (Modification of SPO-Holiday Extension not Included)~~

~~Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by MOLLY WILKERSON begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday during the summer months when school is not in session, that weekend period of possession shall begin at 6:00 p.m. on the immediately preceding Thursday.~~

~~Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by MOLLY WILKERSON ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 p.m. on that Monday.~~

~~3. Spring Vacation in All Years— Every year, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.~~

4. ~~Extended Summer Possession by MOLLY WILKERSON – (Modification of SPO-
Summer Extension not Included)~~

~~With Written Notice by April 1—If MOLLY WILKERSON gives MARK MALDONADO written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, MOLLY WILKERSON shall have possession of the child for forty-two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, with each period of possession beginning and ending at 6:00 p.m. on each applicable day, as specified in the written notice. These periods of possession shall begin and end at 6:00 p.m. on each applicable day.~~

~~Without Written Notice by April 1—If MOLLY WILKERSON does not give MARK MALDONADO written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, MOLLY WILKERSON shall have possession of the child for forty-two consecutive days beginning at 6:00 p.m. on June 15 and ending at 6:00 p.m. on July 27 of that year.~~

Notwithstanding the weekend periods of possession ORDERED for MOLLY WILKERSON, it is expressly ORDERED that MARK MALDONADO shall have a superior right of possession of the child as follows:

1. ~~Summer Weekend Possession by MARK MALDONADO—If MARK MALDONADO gives MOLLY WILKERSON written notice by April 15 of a year, MARK MALDONADO shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of possession by MOLLY WILKERSON during MOLLY WILKERSON's extended summer possession in that year, provided that if a period of possession by MOLLY WILKERSON in that year exceeds thirty days, MARK MALDONADO may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that MARK MALDONADO picks up the child from MOLLY WILKERSON and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession.~~

2. Extended Summer Possession by MARK MALDONADO- If MARK MALDONADO gives MOLLY WILKERSON written notice by April 15 of a year, MARK MALDONADO may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which MOLLY WILKERSON shall not have possession of the child, provided that the period or periods so designated do not interfere with MOLLY WILKERSON's period or periods of extended summer possession or with Father's Day possession. These periods of possession shall begin and end at 6:00 p.m. on each applicable day.

(e) Holidays Unaffected by Distance (Modification of SPO -Holiday Extensions not

applicable)

Notwithstanding the weekend and Thursday periods of possession of MOLLY WILKERSON, MARK MALDONADO and MOLLY WILKERSON shall have the right to possession of the child as follows:

~~1. Christmas Holidays in Even-Numbered Years - In even-numbered years, MOLLY WILKERSON shall have the right to possession of the child beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 28, and MARK MALDONADO shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.~~

2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, MARK MALDONADO shall have the right to possession of the child beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 28, and MOLLY WILKERSON shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.

~~3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, MOLLY WILKERSON shall have the right to possession of the child beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the Sunday following Thanksgiving.~~

4. Thanksgiving in Even-Numbered Years - In even-numbered years, MARK MALDONADO shall have the right to possession of the child beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the Sunday following Thanksgiving.

5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of the child on the child's birthday, that parent shall have possession of the child beginning at 6:00 p.m. and ending at 8:00 p.m. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

6. Father's Day - MARK MALDONADO shall have the right to possession of the child each year, beginning at 6:00 p.m. on the Friday preceding Father's Day and ending at 6:00 p.m. on Father's Day, provided that if MARK MALDONADO is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from MOLLY WILKERSON's residence and return the child to that same place.

7. Mother's Day - MOLLY WILKERSON shall have the right to possession of the child each year, beginning at 6:00 p.m. on the Friday preceding Mother's Day and ending at 6:00 p.m. on Mother's Day, provided that if MOLLY WILKERSON is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from

MARK MALDONADO's residence and return the child to that same place.

(f) Undesignated Periods of Possession

MARK MALDONADO shall have the right of possession of the child at all other times not specifically designated in this Standard Possession Order for MOLLY WILKERSON.

(g) General Terms and Conditions

Except as otherwise expressly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows:

1. Surrender of Child by MARK MALDONADO—MARK MALDONADO is ORDERED to surrender the child to MOLLY WILKERSON at the beginning of each period of MOLLY WILKERSON's possession at the residence of MARK MALDONADO.

2. Return of Child by MOLLY WILKERSON—MOLLY WILKERSON is ORDERED to return the child to the residence of MARK MALDONADO at the end of each period of possession. However, it is ORDERED that, if MARK MALDONADO and MOLLY WILKERSON reside in the same county at the time of the rendition of this order, MOLLY WILKERSON's county of residence remains the same after rendition of this order, and MARK MALDONADO's county of residence changes, effective on the date of the change of residence by MARK MALDONADO, MOLLY WILKERSON shall surrender the child to MARK MALDONADO at the residence of MOLLY WILKERSON at the end of each period of possession.

3. Surrender of Child by MOLLY WILKERSON—MOLLY WILKERSON is ORDERED to surrender the child to MARK MALDONADO, if the child is in MOLLY WILKERSON's possession or subject to MOLLY WILKERSON's control, at the beginning of each period of MARK MALDONADO's exclusive periods of possession, at the place designated in the Standard Possession Order.

4. Return of Child by MARK MALDONADO—MARK MALDONADO is ORDERED to return the child to MOLLY WILKERSON, if MOLLY WILKERSON is entitled to possession of the child, at the end of each of MOLLY WILKERSON's exclusive periods of possession, at the place designated in this Standard Possession Order.

5. Personal Effects - Each conservator is ORDERED to return with the child the personal effects that the child brought at the beginning of the period of possession.

6. Designation of Competent Adult - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned.

7. Inability to Exercise Possession - Each conservator is ORDERED to give notice to

the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

8. **Written Notice** - Written notice shall be deemed to have been timely made if received or postmarked before or at the time that notice is due.

This concludes the Standard Possession Order.

2. *Duration*

The periods of possession ordered above apply to the child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

3. *Noninterference with Possession*

Except as expressly provided herein, IT IS ORDERED that neither conservator shall take possession of the children during the other conservator's period of possession unless there is a prior written agreement signed by both conservators or in case of an emergency.

4. *Termination of Orders*

The provisions of this decree relating to conservatorship, possession, or access terminate on the marriage of MARK MALDONADO to MOLLY WILKERSON unless a nonparent or agency has been appointed conservator of the child under chapter 153 of the Texas Family Code.

Conservatorship

The Court finds that the following orders are in the best interest of the children:

The Court finds that the following orders are in the best interest of the children:

IT IS ORDERED that MARK MALDONADO and MOLLY L. WILKERSON are appointed Joint Managing Conservators of the following children: Milanna Cassedie Maldonado and Makade Anthony Maldonado.

IT IS ORDERED that, at all times, MARK MALDONADO, as a parent joint managing conservator, shall have the following rights:

- 1) the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;
- 2) the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;
- 3) the right of access to medical, dental, psychological, and educational records of the children;
- 4) the right to consult with a physician, dentist, or psychologist of the children;
- 5) the right to consult with school officials concerning the children's welfare and educational status, including school activities;
- 6) the right to attend school activities, including school lunches, performances, and field trips;
- 7) the right to be designated on the children's records as a person to be notified in case of an emergency;
- 8) the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and
- 9) the right to manage the estate of the children to the extent the estate has been created by the parent or the parent's family.

IT IS ORDERED that, at all times, MOLLY L. WILKERSON, as a parent joint managing conservator, shall have the following rights:

- 1) the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children
- 2) the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;
- 3) the right of access to medical, dental, psychological, and educational records of the children;
- 4) the right to consult with a physician, dentist, or psychologist of the children, provided that MOLLY L. WILKERSON may not interfere with any medical, dental, surgical, counseling, psychiatric, or psychological decisions or treatment arranged by MARK MALDONADO for either of the children;
- 5) the right to consult with school officials concerning the children's welfare and educational status, including school activities;

6) the right to attend school activities, including school lunches, performances, and field trips;

7) the right to be designated on the children's records as a person to be notified in case of an emergency;

8) the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and

9) the right to manage the estate of the children to the extent the estate has been created by the parent or the parent's family.

IT IS ORDERED that, at all times, Mark Maldonado and Molly L. Wilkerson, as parent joint managing conservators, shall each have the following duties:

1) the duty to inform the other conservator of the children in a timely manner of significant information concerning the health, education, and welfare of the children;

2) the duty to inform the other conservator of the children if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator of the child as soon as practicable, but not later than the fortieth day after the date the conservator of the children begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;**

3) the duty to inform the other conservator of the children if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;**

4) the duty to inform the other conservator of the children if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of sixty-day period following the date the final

protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;** and

5) the duty to inform the other conservator of the children if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.**

IT IS ORDERED that, during their respective periods of possession, MARK MALDONADO and MOLLY L. WILKERSON, as parent joint managing conservators, shall each have the following rights and duties:

- 1) the duty of care, control, protection, and reasonable discipline of the children;
- 2) the duty to support the children, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
- 3) the right to consent for the children to medical and dental care not involving an invasive procedure; and
- 4) the right to direct the moral and religious training of the children.

IT IS ORDERED that MARK MALDONADO, as a parent joint managing conservator, shall have the following rights and duty:

- 1) the exclusive right to designate the primary residence of the children within Collin County, Texas and counties contiguous to Collin County, Texas;
- 2) the exclusive right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;
- 3) the exclusive right to apply for a passport for the children, to renew the children's passport, and to maintain possession of the children's passport;
- 4) except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;

- 5) except when a guardian of the children's estate or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in relation to the children's estate if the children's action is required by a state, the United States, or a foreign government; and
- 6) the duty to manage the estate of the child to the extent the estate has been created by community property or the joint property of the parents, if any.

IT IS ORDERED that MOLLY L. WILKERSON, as a parent joint managing conservator, shall have the following rights and duty:

- 1) the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;
- 2) the independent right to consent to marriage and to enlistment in the armed forces of the United States;
- 3) except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;
- 4) except when a guardian of the children's estate or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in relation to the children's estate if the children's action is required by a state, the United States, or a foreign government; and
- 5) the duty to manage the estate of the child to the extent the estate has been created by community property or the joint property of the parents, if any.

The Court finds that, in accordance with section 153.001 of the Texas Family Code, it is the public policy of Texas to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the children, to provide a safe, stable, and nonviolent environment for the children, and to encourage parents to share in the rights and duties of raising their children after the parents have separated. **IT IS ORDERED** that the primary residence of the children shall remain within one of the following counties in the State of Texas: Collin, Dallas, Denton, Rockwall, Grayson, or Fannin, and the parties shall not remove the children from the following counties in the State of Texas: Collin, Dallas, Denton, Rockwall, Grayson or Fannin counties, for the purpose of changing the primary residence of the children, until this geographic restriction is modified by further order of the court of continuing jurisdiction or by a written agreement that is signed by the parties and filed with that court.

IT IS FURTHER ORDERED that MARK MALDONADO shall have the exclusive right to designate the children's primary residence within the following counties in the State of Texas: Collin, Dallas, Denton, Rockwall, Grayson or Fannin counties.

IT IS FURTHER ORDERED that this geographic restriction on the residence of the children shall be lifted if, at the time MARK MALDONADO wishes to remove the children from the following counties in the State of Texas: Collin, Dallas, Denton, Rockwall, Grayson, or Fannin

counties for the purpose of changing the primary residence of the children, MOLLY L. WILKERSON does not reside in the following counties in the State of Texas: Collin, Dallas, Denton, Rockwall, Grayson, or Fannin counties.

IT IS ORDERED that if a parent's consent is required for the issuance of a passport, that parent shall provide that consent in writing no later than ten days after receipt of the consent documents, unless the parent has good cause for withholding that consent.

IT IS ORDERED that Respondent MALDONADO shall have the right to maintain possession of any passports of the children, subject to the requirements for delivery of the passport and all other requirements set forth below.

Either parent is **ORDERED** to deliver or cause to be delivered to the other parent the original, valid passport of a child, within ten days of their receipt of the other parent's notice of intent to have the child travel outside the United States during a period of possession of the other parent, subject to the parent's right to file an action in the Court within said ten-day period to prevent such travel.

IT IS ORDERED that if a conservator intends to have the children travel outside the United States during the conservator's period of possession of the children, the conservator shall provide written notice to the other conservator. **IT IS ORDERED** that this written notice shall include all the following:

1. any written consent form for travel outside the United States that is required by the country of destination, countries through which travel will occur, or the intended carriers;
2. the date, time, and location of the child's departure from the United States;
3. a reasonable description of means of transportation, including, if applicable, all names of carriers, flight numbers, and scheduled departure and arrival times;
4. a reasonable description of each destination of the intended travel, including the name, address, and phone number of each interim destination and the final travel location;
5. the dates the children are scheduled to arrive and depart at each such destination;
6. the date, time, and location of the children's return to the United States;
7. a complete statement of each portion of the intended travel during which the conservator providing the written notice will not accompany the child; and
8. the name, permanent and mailing addresses, and work and home telephone numbers of each person accompanying the children on the intended travel other than the conservator providing the written notice.

The written notice may be in the form attached to this order as Exhibit "A", Notice of Intent for Child to Travel Outside the United States.

If the intended travel is a group trip, such as with a school or other organization, the conservator providing the written notice is **ORDERED** to provide with the written notice all information about the group trip and its sponsor instead of stating the name, permanent and mailing addresses, and work and home telephone numbers of each person accompanying the children.

IT IS FURTHER ORDERED that this written notice shall be furnished to the other conservator no less than twenty-one days before the intended day of departure of the children from the United

States.

Mark Maldonado and Molly L. Wilkerson are each **ORDERED** to properly execute the written consent form to travel abroad, and any other form required for the travel by the United States Department of State, passport authorities, foreign nations, travel organizers, school officials, or public carriers; when applicable, to have the forms duly notarized; and, within ten days of that conservator's receipt of each consent form, to deliver the form to the conservator providing the written notice, subject to either party's right to file a motion with the Court objecting to the requested travel outside the United States of America.

IT IS ORDERED that any conservator who violates the terms and conditions of these provisions regarding the children's passport shall be liable for all costs incurred due to that person's noncompliance with these provisions. These costs shall include, but not be limited to, the expense of non-refundable or non-creditable tickets, the costs of nonrefundable deposits for travel or lodging, attorney's fees, and all other costs incurred seeking enforcement of any of these provisions.

Other Provisions

Express Conditions Precedent to Molly L. Wilkerson's Right to Possession

- 1) For three months following 1/27/21, any possession of or access to the children by MOLLY L. WILKERSON shall be supervised by her brother, Paul Wilkerson Jr or such other adult agreed upon in advance in writing by MARK MALDONADO. All possession by MOLLY L. WILKERSON shall be supervised only to the extent of having a supervisor on site.
- 2) For six (6) months Molly Wilkerson is **ORDERED** to submit to 10-panel urinalysis testing twice per month -to be completed by the 1st and 15th of each month commencing on February 15, 2021. MOLLY L. WILKERSON is **ORDERED** to authorize the testing facility to release her results directly to MARK MALDONADO and his counsel of record.
- 3) MOLLY L. WILKERSON shall enroll in and successfully complete an eight-hour anger management course. As a condition precedent to any possession of or access to the children, MOLLY L. WILKERSON is **ORDERED** to provide proof of her enrollment in anger management to MARK MALDONADO through his attorneys of record on or before February 15, 2021.
- 4) MOLLY L. WILKERSON shall register for and successfully complete an alcohol evaluation course approved by the Collin County Adult Supervision Department. As a condition precedent to any possession of or access to the children, MOLLY L. WILKERSON shall submit proof of scheduling her alcohol evaluation to MARK MALDONADO and his attorneys on or before to February 15, 2021. MOLLY L. WILKERSON is **ORDERED** to authorize the alcohol evaluation provider to release results of the alcohol evaluation directly to MARK MALDONADO and his attorneys.
- 5) MOLLY L. WILKERSON shall attend counseling at least two times per month. MOLLY L. WILKERSON is **ORDERED** to authorize the counseling provider to release attendance records for her counseling directly to MARK MALDONADO and his attorneys.

Child Support

Child Support Ordered

IT IS ORDERED that MOLLY L. WILKERSON is obligated to pay and shall pay to MARK MALDONADO child support of Two Hundred Ninety-Seven Dollars and Thirteen Cents (\$297.13) per month, with the first payment being due and payable on February 1, 2021 and a like payment being due and payable on the first day of each month thereafter until the first month following the date of the earliest occurrence of one of the events specified below:

- 1) any child reaches the age of eighteen years or graduates from high school, whichever occurs later, subject to the provisions for support beyond the age of eighteen years set out below;
- 2) any child marries;
- 3) any child dies;
- 4) any child enlists in the armed forces of the United States and begins active service as defined by section 101 of title 10 of the United States Code; or
- 5) any child's disabilities are otherwise removed for general purposes.

Thereafter, **IT IS ORDERED** that MOLLY L. WILKERSON is obligated to pay and shall pay to MARK MALDONADO child support of Two Hundred Thirty-Seven Dollars and 70/100 (\$237.70) per month, with the first payment being due and payable on the first day of the month following the occurrence of one of the events described above and a like payment being due and payable on the first day of each month thereafter until the first month following the date of the earliest occurrence of one of the events specified below:

- 1) the child reaches the age of eighteen years or graduates from high school, whichever occurs later, subject to the provisions for support beyond the age of eighteen years set out below;
- 2) the child marries;
- 3) the child dies;
- 4) the child enlists in the armed forces of the United States and begins active service as defined by section 101 of title 10 of the United States Code; or
- 5) the child's disabilities are otherwise removed for general purposes.

If a child is eighteen years of age and has not graduated from high school and MOLLY L. WILKERSON's obligation to support the child has not already terminated, **IT IS ORDERED** that MOLLY L. WILKERSON's obligation to pay child support to MARK MALDONADO shall not terminate but shall continue for as long as the child is enrolled—

- 1) under chapter 25 of the Texas Education Code in an accredited secondary school in a program leading toward a high school diploma or under section 130.008 of the Education Code in courses for joint high school and junior college credit and is complying with the minimum attendance requirements of subchapter C of chapter 25 of the Education Code or

2) on a full-time basis in a private secondary school in a program leading toward a high school diploma and is complying with the minimum attendance requirements imposed by that school.

Statement on Guidelines

In accordance with Texas Family Code section 154.130, the Court makes the following findings and conclusions regarding the child support order made in open court in this case on January 27, 2021:

1. The amount of child support ordered by the Court is in accordance with the percentage guidelines; and
2. The net resources of MOLLY L. WILKERSON per month, after crediting MOLLY L. WILKERSON for payment of cash medical support and cash dental support in the total amount of \$117.55, are \$1,188.51.

Withholding from Earnings

IT IS ORDERED that any employer of MOLLY L. WILKERSON be ordered to withhold the child support payments ordered in this order from the disposable earnings of MOLLY L. WILKERSON for the support of the children.

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of MOLLY L. WILKERSON by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support **ORDERED** paid by this order through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this order, the balance due remains an obligation of MOLLY L. WILKERSON, and it is hereby **ORDERED** that MOLLY L. WILKERSON pay the balance due directly to the state disbursement unit as specified below.

On this date the Court signed an Income Withholding for Support.

Payment

IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to MARK MALDONADO for the support of the children. **IT IS ORDERED** that all payments shall be made payable to the Office of the Attorney General and include the ten-digit Office of the Attorney General case number (if available), the cause number of this suit, MOLLY L. WILKERSON's name as the name of the noncustodial parent (NCP), and MARK MALDONADO's name as the name of the custodial parent (CP). Payment options are found on the Office of the Attorney General's website at <https://www.texasattorneygeneral.gov/cs/payment-options-and-types>.

IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the state disbursement unit and any other agency statutorily authorized to charge a fee.

Change of Employment

IT IS FURTHER ORDERED that MOLLY L. WILKERSON shall notify this Court and MARK MALDONADO by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of MOLLY L. WILKERSON and the name and address of her current employer, whenever that information becomes available.

Clerk's Duties

IT IS ORDERED that, on the request of a prosecuting attorney, the title IV-D agency, the friend of the Court, a domestic relations office, MOLLY L. WILKERSON, MARK MALDONADO, or an attorney representing MOLLY L. WILKERSON or MARK MALDONADO, the clerk of this Court shall cause a certified copy of the Income Withholding for Support to be delivered to any employer.

Medical and Dental Support

1) **IT IS ORDERED** that MARK MALDONADO and MOLLY L. WILKERSON shall each provide medical support for the children as set out in this order as additional child support for as long as the Court may order MARK MALDONADO and MOLLY L. WILKERSON to provide support for the children under sections 154.001 and 154.002 of the Texas Family Code. Beginning on the day MARK MALDONADO and MOLLY L. WILKERSON'S actual or potential obligation to support the children under sections 154.001 and 154.002 of the Family Code terminates, **IT IS ORDERED** that MARK MALDONADO and MOLLY L. WILKERSON are discharged from the obligations set forth in this medical and dental support order, except for any failure by a parent to fully comply with those obligations before that date.

1) Definitions -

"Health Insurance" means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code.

"Reasonable cost" means the cost of health insurance coverage for a child that does not exceed 9 percent of MOLLY L. WILKERSON'S annual resources, as described by section 154.062(b) of the Texas Family Code.

"Dental insurance" means insurance coverage that provides preventive dental care and other dental services, including usual dentist services, office visits, examinations, X-rays, and emergency services, that may be provided through a single service health maintenance organization or other private or public organization.

"Reasonable cost" of dental insurance means the cost of dental insurance coverage for a child that does not exceed 1.5 percent of MOLLY L. WILKERSON'S annual resources, as described by section 154.062(b) of the Texas Family Code.

"Health-care expenses" include, without limitation, medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges but do not include expenses for travel to and from the provider or for nonprescription medication.

"Health-care expenses that are not reimbursed by insurance" ("unreimbursed expenses") include related copayments and deductibles.

"Furnish" means -

- a. to hand deliver the document by a person eighteen years of age or older either to the recipient or to a person who is eighteen years of age or older and permanently resides with the recipient;
- b. to deliver the document to the recipient by certified mail, return receipt requested, to the recipient's last known mailing or residence address; or
- c. to deliver the document to the recipient at the recipient's last known mailing

or residence address using any person or entity whose principal business is that of a courier or deliverer of papers or documents either within or outside the United States.

2) Findings on Health Insurance Availability-

Having considered the cost, accessibility, and quality of health insurance coverage available to the parties, the Court finds:

Health insurance is available to the children at this time from MARK MALDONADO from his employment or membership in a union, trade association, or other organization at a reasonable cost of Two Hundred Thirty-Nine and 70/100 dollars (\$239.70) per month.

IT IS FURTHER FOUND that the following orders regarding health-care coverage are in the best interest of the children.

3) Provision of Health-Care Coverage -

MARK MALDONADO is **ORDERED** to maintain health insurance in full force and effect on each child for so long as child support is payable for the child.

MARK MALDONADO is **ORDERED**—

- a. to furnish to each conservator of the children the following information no later than the thirtieth day after the date the notice of the rendition of this order is received:
 - i. MARK MALDONADO's date of birth;
 - ii. the name and address of MARK MALDONADO's employer;
 - iii. whether MARK MALDONADO's employer is self-insured or has health insurance available;
 - iv. proof that health insurance has been provided for each child;
 - v. if MARK MALDONADO's employer has health insurance available:
 - (a) the name of the health insurance carrier;
 - (b) the number of the policy;
 - (c) a copy of the policy;
 - (d) a schedule of benefits;
 - (e) a health insurance membership card;
 - (f) claim forms; and
 - (g) any other information necessary to submit a claim; and
 - vi. if MARK MALDONADO's employer is self-insured:

- (a) a copy of the schedule of benefits;
 - (b) a membership card;
 - (c) claim forms; and
 - (d) any other information necessary to submit a claim;
- b. to furnish to each conservator of the children a copy of any renewals or changes to the health insurance policy covering a child and any additional information regarding health insurance coverage of the children not later than the fifteenth day after MARK MALDONADO receives or is provided with the renewal, change, or additional information;
 - c. to notify each conservator of the children of any termination or lapse of the health insurance coverage of a child not later than the fifteenth day after the date of the termination or lapse;
 - d. after a termination or lapse of health insurance coverage, to notify each conservator of the children of the availability to MARK MALDONADO of additional health insurance for the children not later than the fifteenth day after the date the additional health insurance becomes available; and
 - e. after a termination or lapse of health insurance coverage, to enroll the children in a health insurance plan that is available to MARK MALDONADO at reasonable cost at the next available enrollment period.

Pursuant to section 1504.051 of the Texas Insurance Code, **IT IS ORDERED** that if MARK MALDONADO is eligible for dependent health coverage but fails to apply to obtain coverage for the child, the insurer shall enroll the children on application of MOLLY L. WILKERSON or others as authorized by law.

4) Findings on Availability of Dental Insurance

Having considered the cost, accessibility, and quality of dental insurance coverage available to the parties, the Court finds:

Dental insurance is available to the children at this time from MARK MALDONADO from his employment or membership in a union, trade association, or other organization at a reasonable cost of Thirty-Eight and 9/100 dollars (\$38.09) per month.

IT IS FURTHER FOUND that the following orders regarding dental coverage are in the best interest of the children.

5) Provision of Dental Coverage

MARK MALDONADO is **ORDERED**—

- a. to furnish to each conservator of the children the following information no later than the thirtieth day after the date the notice of the rendition of this order is received:
 - i. MARK MALDONADO's date of birth;
 - ii. the name and address of MARK MALDONADO's employer;

- iii. whether MARK MALDONADO's employer is self-insured or has dental insurance available;
 - iv. proof that dental insurance has been provided for each child;
 - v. if MARK MALDONADO's employer has dental insurance available:
 - (a) the name of the dental insurance carrier;
 - (b) the number of the policy;
 - (c) a copy of the policy;
 - (d) a schedule of benefits;
 - (e) a dental insurance membership card;
 - (f) claim forms; and
 - (g) any other information necessary to submit a claim; and
 - vi. if MARK MALDONADO's employer is self-insured:
 - (a) a copy of the schedule of benefits;
 - (b) a membership card;
 - (c) claim forms; and
 - (d) any other information necessary to submit a claim;
- b. to furnish to each conservator of the children a copy of any renewals or changes to the dental insurance policy covering a child and any additional information regarding dental insurance coverage of the children not later than the fifteenth day after MARK MALDONADO receives or is provided with the renewal, change, or additional information;
 - c. to notify each conservator of the children of any termination or lapse of the dental insurance coverage of a child not later than the fifteenth day after the date of the termination or lapse;
 - d. after a termination or lapse of dental insurance coverage, to notify each conservator of the children of the availability to MARK MALDONADO of additional dental insurance for the children not later than the fifteenth day after the date the additional dental insurance becomes available; and
 - e. after a termination or lapse of dental insurance coverage, to enroll the children in a dental insurance plan that is available to MARK MALDONADO at reasonable cost at the next available enrollment period.

MARK MALDONADO is **ORDERED** to maintain dental insurance in full force and effect

on each child for so long as child support is payable for the child.

6) Cash Medical and Dental Support

As additional child support, MOLLY L. WILKERSON is **ORDERED** to pay cash medical and dental support, as additional child support, of One Hundred Seventeen Dollars and Fifty-Five Cents (\$117.55) per month, with the first installment being due and payable on February 1, 2021 and a like installment being due and payable on or before the 1st day of each month until the termination or modification of current child support for the children.

IT IS FURTHER ORDERED that the additional child support payments for the cost of health and dental insurance ordered herein are payable through the state disbursement unit or as directed below and subject to the provisions for withholding from earnings provided above for other child support payments. MOLLY L. WILKERSON is **ORDERED** to make all payments for cash medical support through the Texas Child Support State Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791. The payment of cash medical support required by this order will be by an order for withholding from earnings separate from any other wage withholding order required. The cash medical support payments ordered herein are to be paid to the Office of the Attorney General for so long as the child is enrolled. On the first day of the month immediately following the date on which the child is no longer enrolled, the cash medical support payments ordered herein are to be paid to MARK MALDONADO.

IT IS ORDERED that the cash medical support provisions of this order shall be an obligation of the estate of MOLLY L. WILKERSON and shall not terminate on her death.

Pursuant to section 154.183(c) of the Texas Family Code, the reasonable and necessary health-care expenses of the children that are not reimbursed by health insurance are allocated as follows: MOLLY L. WILKERSON is **ORDERED** to pay fifty percent (50%) and MARK MALDONADO is **ORDERED** to pay fifty percent (50%) of the unreimbursed health-care expenses.

7. Findings on Availability of Dental Insurance -

Having considered the cost, accessibility, and quality of dental insurance coverage available to the parties, the Court finds:

Dental insurance is available to MARK MALDONADO from his employment or membership in a union, trade association, or other organization.

IT IS FURTHER FOUND that the following orders regarding dental coverage are in the best interest of the children.

8) Provision of Dental Coverage -

As additional child support, MARK MALDONADO is **ORDERED** to obtain, within 30 days after entry of this order, and then maintain dental insurance for the children as long as child support is payable for that child. MARK MALDONADO is **ORDERED**-

- a. to furnish to each conservator of the child the following information no later than the thirtieth day after the date the notice of the rendition of this order is received:
 - i. MARK MALDONADO'S date of birth;
 - ii. the name and address of MARK MALDONADO'S employer;
 - iii. whether MARK MALDONADO'S employer is self-insured or has dental insurance available;
 - iv. proof that dental insurance has been provided for the child;
 - v. if MARK MALDONADO'S employer has dental insurance available:

- (a) the name of the dental insurance carrier;
 - (b) the number of the policy;
 - (c) a copy of the policy;
 - (d) a schedule of benefits;
 - (e) a dental insurance membership card;
 - (f) claim forms; and
 - (g) any other information necessary to submit a claim; and
- vi. if MARK MALDONADO'S employer is self-insured:
 - (a) a copy of the schedule of benefits;
 - (b) a membership card;
 - (c) claim forms; and
 - (d) any other information necessary to submit a claim;
- b. to furnish to each conservator of the children a copy of any renewals or changes to the dental insurance policy covering the children and any additional information regarding dental insurance coverage of the children not later than the fifteenth day after MARK MALDONADO receives or is provided with the renewal, change, or additional information;
- c. to notify each conservator of the children of any termination or lapse of the dental insurance coverage of the children not later than the fifteenth day after the date of the termination or lapse;
- d. after a termination or lapse of dental insurance coverage, to notify each conservator of the children of the availability to MARK MALDONADO of additional dental insurance for the child not later than the fifteenth day after the date the additional dental insurance becomes available; and
- e. after a termination or lapse of dental insurance coverage, to enroll the child in a dental insurance plan that is available to MARK MALDONADO at reasonable cost at the next available enrollment period.

Pursuant to section 1504.051 of the Texas Insurance Code, **IT IS ORDERED** that if MARK MALDONADO is eligible for dependent dental coverage but fails to apply to obtain coverage for the child, the insurer shall enroll the children on application of MOLLY L. WILKERSON or others as authorized by law.

IT IS ORDERED that the provisions of this order for payments for the cost of dental insurance shall be an obligation of the estate of MOLLY L. WILKERSON and shall not terminate on her death.

The party who incurs a health-care expense on behalf of the child is **ORDERED** to furnish to the other party forms, receipts, bills, statements, and explanations of benefits reflecting the uninsured portion of the health-care expenses within thirty days after the incurring party receives them. The nonincurring party is **ORDERED** to pay the non-incurring party's percentage of the uninsured portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring party for any advance payment exceeding the incurring party's percentage of the uninsured portion of the health-care expenses within thirty days after the nonincurring party receives the forms, receipts, bills, statements, and/or explanations of benefits. However, if the incurring party fails to submit to the other party forms, receipts, bills, statements, and explanations of benefits reflecting the uninsured portion of the health-care expenses within thirty days after the incurring party receives them, **IT IS ORDERED** that the nonincurring party shall pay the nonincurring party's percentage of the uninsured portion of the health-care expenses

either by paying the health-care provider directly or by reimbursing the incurring party for any advance payment exceeding the incurring party's percentage of the uninsured portion of the health-care expenses within 120 days after the nonincurring party receives the forms, receipts, bills, statements, and/or explanations of benefits.

These provisions apply to all unreimbursed health-care expenses of the children the subject of this suit that are incurred while child support is payable for the children.

9) Secondary Coverage

IT IS ORDERED that if a party provides secondary health insurance coverage for the children, both parties shall cooperate fully with regard to the handling and filing of claims with the insurance carrier providing the coverage in order to maximize the benefits available to the children and to ensure that the party who pays for health-care expenses for the children is reimbursed for the payment from both carriers to the fullest extent possible.

10) Compliance with Insurance Company Requirements

Each party is **ORDERED** to conform to all requirements imposed by the terms and conditions of the policy of health insurance covering the child in order to assure the maximum reimbursement or direct payment by the insurance company of the incurred health-care expense, including but not limited to requirements for advance notice to any carrier, second opinions, and the like. Each party is **ORDERED** to use "preferred providers," or services within the health maintenance organization, if applicable. Disallowance of the bill by a health insurer shall not excuse the obligation of either party to make payment. Excepting emergency health-care expenses incurred on behalf of the children, if a party incurs health-care expenses for the children using "out-of-network" health-care providers or services, or fails to follow the health insurance company procedures or requirements, that party shall pay all such health-care expenses incurred absent (1) written agreement of the parties allocating such health-care expenses or (2) further order of the Court.

11) Claims

Except as provided in this paragraph, the party who is not carrying the health insurance policy covering the children is **ORDERED** to furnish to the party carrying the policy, within fifteen days of receiving them, any and all forms, receipts, bills, and statements reflecting the health-care expenses the party not carrying the policy incurs on behalf of the children. In accordance with section 1204.251 and 1504.055(a) of the Texas Insurance Code, **IT IS ORDERED** that the party who is not carrying the health insurance policy covering the children, at that party's option, may file any claims for health-care expenses directly with the insurance carrier with and from whom coverage is provided for the benefit of the children and receive payments directly from the insurance company. Further, for the sole purpose of section 1204.251 of the Texas Insurance Code, MARK MALDONADO is designated the managing conservator or possessory conservator of the children.

The party who is carrying the health insurance policy covering the children is **ORDERED** to submit all forms required by the insurance company for payment or reimbursement of health-care expenses incurred by either party on behalf of the children to the insurance carrier within fifteen days of that party's receiving any form, receipt, bill, or statement reflecting the expenses.

12) Constructive Trust for Payments Received

IT IS ORDERED that any insurance payments received by a party from the health insurance carrier as reimbursement for health-care expenses incurred by or on behalf of the children shall belong to the party who paid those expenses. **IT IS FURTHER ORDERED** that the party receiving the insurance payments is designated a constructive trustee to receive any

insurance checks or payments for health-care expenses paid by the other party, and the party carrying the policy shall endorse and forward the checks or payments, along with any explanation of benefits received, to the other party within three days of receiving them.

13) WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILD, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILD.

14) Notice to Employer - On this date a Medical Support Notice was authorized to be issued by the Court. For the purpose of section 1169 of title 29 of the United States Code, the party not carrying the health insurance policy is designated the custodial parent and alternate recipient's representative.

IT IS ORDERED that the child support as prescribed in this order shall be exclusively discharged in the manner ordered and that any direct payments made by MOLLY L. WILKERSON to MARK MALDONADO or any expenditures incurred by MOLLY L. WILKERSON during MOLLY L. WILKERSON's periods of possession of or access to the children, as prescribed in this order, for food, clothing, gifts, travel, shelter, or entertainment are deemed in addition to and not in lieu of the support ordered in this order.

Coparenting Website Program

IT IS FURTHER ORDERED that MARK MALDONADO and MOLLY L. WILKERSON shall use Our Family Wizard or another co-parenting app of their mutual agreement as a tool to effectively communicate relevant information in a timely manner.

IT IS FURTHER ORDERED THAT ALL OTHER ORDERS OF COLLIN COUNTY'S STANDING ORDERS ARE TO REMAIN IN FULL FORCE IN FULL FORCE MARK MALDONADO AND MOLLY WILKERSON

Required Information

The information required for each party by section 105.006(a) of the Texas Family Code is as follows:

Name:	Mark Maldonado		
Social Security number:	xxx-xx-x837		
Driver's license number:	xxxxx758	Issuing state:	Texas
Current residence address:	1800 Hondo Dr., Plano, Texas 75074		
Mailing address:	Same as above		
Home telephone number:	(972) 658-2877		
Name of employer:	Collin County College		
Address of employment:	3452 Spur 399, McKinney, Texas 75069		
Work telephone number:	(972) 758-3822		

Name:	Molly Louise Wilkerson		
Social Security number:	xxx-xx-x399		
Driver's license number:	xxxxx257	Issuing state:	Texas

Current residence address: 2500 E Park Blvd., T-3, Plano Texas 75073
Mailing address: Same as above
Home telephone number: (214) 636-4719
Name of employer: Lovejoy Independent School District
Address of employment: 259 Country Club Rd., Allen, Texas 75002
Work telephone number: (469) 742-8003

Required Notices

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

NOTICE TO THE STATE CASE REGISTRY as is required by the preceding section, any change of a party's residential address, mailing address, home telephone number, name of employer, address of employment, driver's license number, or work telephone number are to be reported by mail to the:

State Case Registry
Contract Services Section
MC 046S
P.O. Box 12017
Austin, TX 78711-2017

in addition to reporting the change(s) to the other parties and the Court.

Statutory Warnings

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN

FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD IF:

(1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR

(2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR \$100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

Date of Judgment

SIGNED on _____, 2021.

JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

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PRO SE RESPONDENT

CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on Mark Maldonado's Attorneys of record as listed below in accordance with the Tex. Rules of Civ. Proc. on June 26, 2021 2021.

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CASE NO. 366-53554-2020

IN THE MATTER OF
THE MARRIAGE OF

MOLLY L. WILKERSON
AND
MARK MALDONADO

AND IN THE INTEREST OF
M.C.M. AND M.A.M., CHILDREN

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

366th JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

**MOTION TO VACATE IMPROPER ORDERS AND ENTER CORRECTED
ORDERS NUNC PRO TUNC**

Comes now, MOLLY WILKERSON, Petitioner, in the above-captioned cause, and respectfully moves that this Court grant an order authorizing the Clerk to enter on the minutes of this Court a Corrected Order in Suit Affecting the Parent-Child Relationship and a Corrected Protective Order *nunc pro tunc*, and as grounds for this Motion will show the following:

**I. VACATE IMPROPER ORDERS AND ENTER CORRECTED ORDERS
NUNC PRO TUNC**

Final Order in Suit Affecting Parent-child Relationship. A trial of this cause was held on January 27, 2021, and orders were rendered on record, in order form, and finally disposed of all matters before the Court, (*See Exhibit A:*). -Link to Exhibit- *The Final Order in Suit Affecting the Parent-child Relationship* was reduced to writing by opposing counsel and signed by Judge Nowak on March 3, 2021. The order signed is not reflective of the Final Order Rendered following trial. Because of the error, enforceable possession and access provisions were omitted, and other permanent injunctions were added, (*See Exhibit B: Order in SAPCR*). -Link to Exhibit- The orders signed violate Petitioner's constitutionally protected rights and should be corrected to reflect the orders

rendered. Make-up time with the children should also be added to reflect the time taken from Petitioner since orders were final on January 27, 2021.

Final Protective Order. Mark Maldonado, (Petitioner in PO case), following an incident that occurred on February 11, 2021, reported to Richardson Police that Molly Wilkerson had strangled him at a restaurant. He had refused to allow Court ordered visitation since final trial -he was not even allowing phone access. On this day however he prompted Petitioner to come celebrate their daughter's birthday. He approached Petitioner and their daughter outside after they left an argument at the dinner table. Petitioner was sitting near a fountain holding her daughter when respondent approached them, grabbed their daughter by the arm, and yanked her towards his mother who was standing nearby waiting. Petitioner rushed towards their daughter who was fighting to get away from Respondent and his mother when Respondent pushed her, motioned towards a 9mm Glock strapped to his hip, and told her that she was not allowed to be alone with the children and that he would make sure she never saw the children again. Meanwhile, Respondent's mother proceeded inside with their daughter and called 911 to report an attempted abduction of the children by Petitioner.

There were no videos, yet Respondent claimed on record that there was footage from the restaurant, that he had recorded the incident himself, and that, despite the supposed restaurant full of people that could testify, there was only one witness that could not consistently recall where he was standing when he witnesses the incident or even what he saw, and he has sense refused to participate in the investigation. Upon suggestions made by Officer Garcia during questioning, Respondent claimed he could not breath when Petitioner had an arm around him. Petitioner was in shock and outside the

restaurant screaming that he would not get to keep her children from her when officers arrived. Petitioner declined to explain to police everything that had just happened and was taken into police custody. She had a knot on her head and was going to accept medical care, but she decided to decline that too in hopes that she could be done with the trauma of the evening and go take care of her puppy. She realized shortly after that she would not be released and that she was being charged with a third-degree felony -family violence, strangulation/impeding breath. Respondent had no signs that an altercation had occurred, and he stated he did not need medical care.

The next day, Petitioner was released on bail, and a 61-day EPO was issued against her that left the children out. Respondent sent his lead counsel, George Mallers to seek an emergency ex parte PO from district Court to include the children without any clear and present danger that would require such. In fact, at the time of the altercation, Petitioner had her own protective order application on file with the Court. It was ignored as the other two she requested during the pendency of the divorce had been.

Throughout the pendency of the suit for divorce and the two years prior, there were no accusations raised regarding Petitioner as an abusive spouse or mother, but she had reported Mr. Maldonado's abusive behavior. The records of these request however were sealed in violation of Collin County's Local Rules. The sealed APO's contain documentation of previous threats against Petitioner with a 9mm Glock as well as police reports. They do not contain any sensitive information about children that would justify their sealing. Also not justified is the modification of the *Final SAPCR* to include a finding that Petitioner had a history or pattern of committing family violence without any modification suit on file. This information as well as libel signed off on in *Findings of*

Fact and Conclusions of Law have been used by OC to harass the Dallas County Prosecutor into pursuing the charges against Petitioner. Furthermore, the PO against Petitioner was issued after the trial and orders rendered in the divorce case, not during the pendency or two years prior, and the Court stated in his ruling that he was leaving the children out, (see *Exhibit C*, ruling on *Final PO -RR @ pg.4, Line 9*). -Link to Exhibit- The Court did strike the children's names from the PO he signed, but provisions at the end of the order that include the children remain, see *Final Protective Order* signed March 3, 2021 attached as *Exhibit D*). -Link to Exhibit-

The following actions should be taken to correct the erroneous Final Protective Order and Final SAPCR order:

1. Attached herein as *Exhibit E*, -Link to Exhibit- are orders that properly track the SAPCR orders rendered at trial. The SAPCR orders entered on March 3, 2021 should be vacated, and the attached order should be signed.
2. The *Final Protective Order* entered on March 3, is void and should be vacated, or in the alternative, the order should be corrected nunc pro tunc to reflect the intended order which leaves the children out as provided in the attached *Exhibit F*, the *Proposed Final Protective Order*. -Link to Exhibit-

II. LAW APPLIED TO FACTS

Finality of Orders Rendered. The rendition of the trial court's decision, whether in open court or by official document of the court, is the critical moment when the judgment becomes effective. The Final SAPCR Orders were rendered in accordance with the Court's findings following trial on the merits. Petitioner found the orders rendered to be harsh and confusing, but the orders were final. The fact that ex parte requests to alter

temporary conservatorship just 19 days before final trial was not available to Petitioner until receiving records for appeal; regardless, the bias orders were in fact final, and further restrictions via modification would require a modification suit. The signature of the trial court upon the writing is merely a ministerial act of the court conforming to the provision of Rule 306a(2) of the Texas Rules of Civil Procedure calls for “all judgments, decisions and orders of any kind to be reduced to writing and signed by the trial judge with the date of signing stated therein.” The trial judge’s signature upon the written judgment does not affect or change the date of the rendition or the judgment. A judgment is “entered” when it is recorded in the minutes of the trial court by a purely ministerial act of the trial court’s clerk, thereby providing enduring evidence of the judicial act. *Henry v. Cullum Cos.*, 891 S.W.2d 789, 792 (Tex. App.—Amarillo 1995, writ denied)

Modification. There was no petition before the Court to modify conservatorship when orders were modified on two different occasions. Petitioner learned of yet another ex parte pleading titled, *Amended Motion to Enter Final Orders*, after receiving Court records from the Fifth Court of Appeals on May 17, 2021. Without proper service of a lawsuit intentioned to modify conservatorship amongst other things, the Court abused its discretion in modifying final orders. In *P.H.D. v. R.R.D.*, 46 a.3d 817 (Pa.Super. 2012), the trial court was found to have abused its discretion by *sua sponte* altering an existing custody order despite not having the issue of a custody modification before the court. The superior court noted: “The custody court does not possess some ongoing, continuous supervisory role over the life of a family, however broken that family may be. Rather, the court's jurisdiction is triggered only when invoked, and then only upon proper petition and notice.”

Nunc Pro Tunc is the Appropriate Remedy. As the Texas Supreme Court in *Coleman v. Zapp* long ago explained:

The judgment of a court is what the court pronounces. Its rendition is the judicial act by which the court settles and declares the decision of the law upon the matters at issue. Its entry is the ministerial act by which an enduring evidence of the judicial act is afforded. The failure of the minute entry to correctly or fully recite what the court judicially determined does not annul the act of the court, which remains the judgment of the court notwithstanding its imperfect record. Hence it is that from the earliest times the power of correcting or amending their records, by nunc pro tunc entry, so as to faithfully recite their action, has been possessed and exercised by the courts as an inherent right, independent of any statute, and, in the absence of express provision, unaffected by limitation. . . . **If a court is made aware that, through mistake or omission, its records do not recite its judgment as actually rendered, we do not doubt that it is not only the right but the duty of the court, of its own motion and after due notice to the parties, to order the proper entry.** The nature of a judicial record, the accuracy of which is the peculiar concern of the court and which for that reason and to that extent remains within the court's control, forbids that its correctness as an expression or evidence of judicial action should depend upon the inauguration of a proceeding by the parties, and it is therefore plain that such a proceeding only invokes an authority which the court may exercise of its own accord.

105 Tex. 491, 494, 151 S.W. 1040, 1041 (Tex. 1912) (Citations Omitted).

Furthermore, When confronting the question whether a judgment may be modified by an order nunc pro tunc a trial court must determine if the change from the judgment first announced was a clerical error or a judicial modification. *Kostura v. Kostura*, 469 S.W.2d 196, 198 (Tex.Civ.App.--Dallas 1971, writ ref'd n.r.e.). A clerical error is a discrepancy between the entry of a judgment in the record and the judgment that was actually rendered. *Andrews v. Koch*, 702 S.W.2d 584, 585 (Tex. 1986) (per curiam). On the other hand, a judicial error arises from a mistake of law or fact that requires judicial reasoning to correct. *Butler v. Continental Airlines, Inc.*, 31 S.W.3d 642, 647 (Tex.App.--Houston [1st Dist.] 2000, pet. denied). A judgment nunc pro tunc allows a

trial court to correct a clerical error in the judgment after expiration of the trial court's plenary power. *Escobar v. Escobar*, 711 S.W.2d 230, 231-32 (Tex. 1986); Tex. R. Civ. P. 316. But such power does not extend to correction of a judicial error made in rendering a final judgment. *Escobar*, 711 S.W.2d at 231. Following expiration of its plenary power, a trial court may correct the entry of a final written judgment that incorrectly states the judgment actually rendered. *Id.* at 231-32.

III. PRAYER

Wherefore, Petitioner respectfully moves the Court to enter the corrected SAPCR order nunc pro tunc that properly tracks the orders rendered following trial on the merits. She prays the Court grant make-up time to remedy the last seven months of her forced absence from the children's lives. Petitioner further requests the Court vacate the protective order, or in the alternative, enter a corrected protective order nunc pro tunc that leaves the children out as stated by the Court in its ruling. Petitioner prays the Court grant this relief and any other relief deemed necessary in law and in equity.

Respectfully Submitted,

/s/ Molly Wilkerson
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CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on Mark Maldonado's Attorneys of record as listed below in accordance with the Tex. Rules of Civ. Proc. on July 18, 2021.

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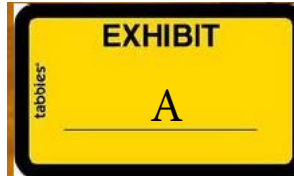
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REPORTER'S RECORD

VOLUME 1 OF 1



TRIAL COURT CAUSE NO. 366-53554-2020

IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
	§	
MOLLY L. WILKERSON	§	
and	§	COLLIN COUNTY, TEXAS
MARK MALDONADO	§	
	§	
AND IN THE INTEREST OF	§	
M.C.M. and M.A.M, children	§	366th JUDICIAL DISTRICT

COURT'S RULING

On the 27th day of January, 2021, the following proceedings came on to be held in the above-titled and numbered cause before the Honorable Tom Nowak, Judge Presiding, held remotely via Zoom in accordance with the current Supreme Court of Texas' Emergency Orders Regarding the COVID-19 State of Disaster.

Proceedings reported by computerized machine shorthand.

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E X C E R P T

COURT'S RULING

(Open court)

THE COURT: All right. The Court having heard the arguments of counsel and the evidence presented will make the following rulings in this case. Prior to doing that, I'll go ahead and go on record as saying this has been a very trying case from the standpoint of this Court having to deal with a lot of the issues here. I don't blame any one particular individual for those issues, but a lot of the things that did occur could have been avoided, and I think they could have been avoided in many respects by either side.

I'll point out that if I'm suppose to consider that Ms. Wilkerson had these addictions and they were being reported and known about, then I also have to consider that Mr. Maldonado let that happen and let his children be around that kind of behavior. And so I'm not gonna put as much blame on those kinds of things on Ms. Wilkerson on her own, if I'm suppose to believe them, because Mr. Maldonado then has to accept some of the blame for that kind of behavior in his home, around his children, and that calls into question some of the decisions he's making around these children.

With that being said, Ms. Wilkerson, I

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1 believe that there is some issue that you may have with
2 regard to, as you called it, being sassy with the rules
3 or just having problems with people telling you what to
4 do, and this Court has experienced that behavior. And
5 for that reason, there is a lot of concern on my part
6 that a lot of these orders that I may make may not be
7 followed and may cause issues because one person is gonna
8 decide that they don't want to follow the rules, they're
9 not right, or they decided the kids were whining too much
10 and it's not good to take the kids home, even though
11 that's what the Court ordered, because they were crying
12 and that's tough for somebody to do. Those are the kinds
13 of things that give me pause and make me wonder about
14 what I should order and how I should order it, it's those
15 kinds of actions.

16 And so, while Mr. Maldonado may very well
17 be that kind of individual, I don't know. I haven't
18 heard any of that kind of evidence from anybody, and so
19 it makes it very difficult to believe that that is the
20 case when that hasn't been an issue. The only things I
21 really heard about him was that he likes money and cares
22 about money. I don't know that that's necessarily a
23 disqualification from being a parent or doing any of
24 those kinds of things.

25 So with all those things being said, I have

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1 selected, Ms. Wilkerson, that I'm not gonna grant sole
2 managing conservatorship to Mr. Maldonado. However, I
3 will appoint both to be joint managing conservators.
4 Father will be granted exclusive rights to designate the
5 primary residence of the children in Collin County and
6 the contiguous counties. He will have the right to
7 consent to medical, dental and surgical treatment
8 involving any invasive procedures. He'll have the right
9 to consent to psychiatric and psychological treatment for
10 the children.

11 I will order child support in the amount of
12 \$297.13 per month payable to Mr. Maldonado by
13 Ms. Wilkerson through the Attorney General Child Support
14 Division and cash medical support of \$117.55. Again,
15 this will begin in February. So Father will be granted
16 the right to receive and give receipts for periodic
17 payments in support of the children and hold and disburse
18 these funds for the benefit of the children, solely for
19 the children.

20 I will deny the right to represent the
21 children in legal actions and consent to marriage and
22 enlist in the United States armed forces. That can be
23 done by agreement of the parties.

24 The right to make decisions concerning the
25 children's education will be given to the Father.

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1 The right for services and earnings of the
2 child will be denied as to the Father and will be jointly
3 managed by the parties.

4 And then Number 9, except when a guardian
5 of the children's estate or a guardian or an attorney ad
6 litem has been appointed, the right to act as an agent
7 for the children in relationship to their estate will be
8 granted to the Father. Along with the right to apply for
9 a passport, renew the passport or maintain the passport,
10 that will also be given to the Father.

11 The Mother will be enjoined from removing
12 the children from Collin County or any contiguous
13 counties without the Father's prior written approval
14 during the pendency of this order; consuming any alcohol,
15 legal recreational drugs or controlled substances,
16 anything in excess of prescribed medications, within
17 eight hours before or during the period of possession.
18 Using any prescription drugs, obviously without a valid
19 prescription, within 24 hours is also enjoined against
20 the Mother. However, I will allow her to obviously drive
21 in a motor vehicle with the children with -- obviously,
22 that must not be done while intoxicated or under the
23 influence of any kind of drugs, illegal or prescribed.

24 The Collin County Standing Order is still a
25 standing order. I make that an injunction in regards to

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1 this case as well, and it is permanently enjoined upon
2 the parties. So using foul, profane or otherwise
3 disparaging language against either party is prohibited
4 as an order of this Court.

5 I'm going to request that the parties use,
6 and I don't know if they already do or do not use some
7 service like My Family Wizard to communicate, but they
8 will be done -- that would be an order of this Court as
9 well, borne as a cost to each party. That will hopefully
10 remove some of the issues with regards to the back and
11 forth.

12 Mom is enjoined from removing any personal
13 property. Ma'am, I understand you're gonna be moving out
14 of that house. Make sure that the property is yours and
15 does not belong to Mr. Maldonado. If there is --

16 *MS. WILKERSON:* Your Honor, I can't afford
17 to move out. You saw what happened yesterday. He took
18 my entire -- he's like --

19 *THE COURT:* Okay. Ma'am, please don't
20 interrupt. You already told this Court you're moving out
21 next month, basically in March. So at this point in
22 time, again, do not remove anything that did not belong
23 to you. Mr. Maldonado shall return any items that belong
24 to you, specific personal property and gifts that were
25 given, jewelry and the like will be returned to you if

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1 you have.

2 *MS. WILKERSON:* Furniture.

3 *THE COURT:* If there is anything that is
4 not returned, please make a list of it and submit that to
5 Mr. Maldonado or his attorneys so you can get a return of
6 that property.

7 You are prohibited from entering any real
8 property owned by Mr. Maldonado or his family members,
9 directly or indirectly, without prior written approval.
10 Obviously, if you are dropping the children off, do so
11 outside and do not come into the property, again, unless
12 you have approval.

13 You are not to interfere with the
14 children's medical or dental appointments. You're not to
15 interfere in any way, shape, or form with them. I will
16 allow you to be notified of those appointments.
17 Mr. Maldonado shall notify you if there are any made, but
18 you are not to interfere in any way, shape, or form with
19 them. And if it is not your opportunity to have the
20 children during your period of possession, you are not to
21 show up there at that time, again, unless approved by
22 Dad. So you're not to make any medical or dental
23 appointments for the children unless, again, requested to
24 do so or by approval.

25 And then, also, you're not to schedule any

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1 extracurricular activities for the children during a
2 period of possession of Dad, so don't schedule soccer
3 games and things like that, classes, anything like that
4 while Dad is suppose to have the children. He will also
5 do the same. You will be able to determine whether or
6 not the children can go to those activities, if they are
7 scheduled, since he does have primary possession of the
8 children. So if there's some season and it conflicts
9 with times, you can either agree to take the children
10 there during your period of possession or make that time
11 up if the children want to go and Dad wants to take them
12 there. Does that make sense?

13 All right. We've already covered the child
14 support.

15 In regards to possession, all right, I'm
16 gonna jump to Possession Option Number 2. All right.
17 Prior to possession, Ms. Maldonado, I want a couple of
18 different things. I want, number one, an alcohol
19 evaluation. I want also for you to sign up for anger
20 management. You've already mentioned that you have begun
21 working with a counselor. That should occur at least
22 twice a month. Attendance records of you attending those
23 sessions, that's all I'm asking for. I'm not asking for
24 anything else, but attendance records should be turned
25 over to Mr. Maldonado and his attorneys.

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1 *MS. WILKERSON:* Your Honor, I did eight. I
2 did a Mickey Bickers evaluation already.

3 *THE COURT:* I'm sorry. You're referencing
4 what?

5 *MS. WILKERSON:* An evaluation that they had
6 me do. Like, I haven't been able to present evidence in
7 this case, but it was a Mickey Bickers evaluation that I
8 did after they were accusing me of being on drugs. And
9 that report -- the Court has that report. They have
10 their report.

11 *THE COURT:* All right. So I'm gonna ask
12 you to go get an alcohol evaluation again prior to. All
13 right. You're gonna be required to submit to drug
14 testing on the 1st and 15th of each month at this point
15 in time.

16 *MS. WILKERSON:* Your Honor, I've just
17 proven I'm not on drugs.

18 *THE COURT:* So you're going to be required
19 a ten-panel test at your costs.

20 *MS. JAMES:* Your Honor, would that be a UA
21 or hair test.

22 *THE COURT:* UA.

23 *MS. WILKERSON:* Your Honor, I don't have
24 any money. I don't understand.

25 *THE COURT:* All right.

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1 MS. WILKERSON: I just submitted to a test.

2 THE COURT: So Number 1 on Possession
3 Option Number 2 will be granted. Again, that will be on
4 the 1st and 15th and then a ten-panel test.

5 For purposes of the record, I'm adding that
6 Mother shall enroll in and attend at least an eight-hour
7 anger management course with a provider approved by the
8 Collin County Probation Department. She'll authorize the
9 therapist to provide the records evidencing attendance
10 and progress or completion to Father and his attorneys.
11 You'll need to submit proof of enrollment prior to -- I
12 think -- yeah, I would say the 15th. I'll grant you
13 until February 15th. That seems like the time that will
14 work best.

15 Ms. Wilkerson, I'll allow you to skip the
16 one on February 1st, since it's already January 27th.
17 I'll allow you to skip the drug test on the 1st. You can
18 begin by completing it on the 15th or before then.
19 Again, you should enroll in your class before the 15th.

20 MS. WILKERSON: What should I do if I can't
21 pay child support?

22 THE COURT: I'm not done yet,
23 Ms. Wilkerson.

24 MS. WILKERSON: Okay.

25 THE COURT: Number 2 is granted, provided

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1 she does not test positive for any drug she doesn't have
2 a valid prescription for, alcohol .08 or higher.

3 You will have possession pursuant to a
4 standard possession order except for the following
5 modifications. Your modification will be that your
6 possession shall be supervised for at least three months
7 by your brother or other competent adult approved in
8 writing by the Father. All the possession shall occur in
9 Collin County or contiguous counties. You will be
10 enjoined from removing the children from Collin County or
11 the contiguous counties, again, without prior written
12 approval of the Father.

13 You will not have the extended summer
14 possession, spring break possession or weekend extended
15 by a holiday. In the standard possession orders, holiday
16 provisions shall not apply. Number, excuse me, 2(c) is
17 grand for the --

18 *MS. WILKERSON:* What is that, Your Honor?

19 *THE COURT:* Under Mark Maldonado's Amended
20 Proposed Parenting Plan, Possession Option 2, so capital
21 B, Number 2(c) is granted. Ms. James will put it in the
22 order, Ms. Wilkerson. I already talked about the alcohol
23 evaluation is made a condition. My Family Wizard is made
24 a condition.

25 Exchanges of the children, of possession,

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1 will occur I would prefer at a safe space or a public
2 area such as the McDonald's parking lot, Wal-mart,
3 something along those lines, where there are individuals
4 and parties so that we're not back and forth between each
5 other's houses and doing those kinds of exchanges where
6 there is a possibility of conflict between the parties.

7 *MS. WILKERSON:* Your Honor --

8 *THE COURT:* If other parties can help with
9 that, that would be probably preferable, especially if
10 other members can drop-off the children so you don't run
11 into those issues.

12 Father shall have possession at all times
13 not designated for the Mother. And in any circumstance
14 the Father requests, Mother does not have overnight
15 possession ending on a date the kids go to school. So
16 overnight possession will be limited at this point in
17 time so as to occur on dates that the kids do not go to
18 school, so the kids should be returned to Father's
19 possession when school is about to occur the next day so
20 that they can complete their work and make sure that
21 they're in school on time.

22 *MS. WILKERSON:* Your Honor --

23 *THE COURT:* So let's say by 8:00 p.m. on
24 days that the kids have school the next day.

25 *MS. JAMES:* Your Honor, would that be, if

1 the time is not designated, then the standard possession
2 order?

3 *THE COURT:* Yes.

4 *MS. WILKERSON:* Your Honor, can I take the
5 children to my brother's house? Because I don't know --
6 like, he lives in Little Elm and he works. I don't know
7 if someone is just gonna pick them up from school.

8 *THE COURT:* Ma'am, I've already told you
9 that you can have possession of the children as long as
10 your brother is supervising that possession. So for the
11 next three months, your brother or a competent adult as
12 approved by Mr. Maldonado, will be able to supervise your
13 possession.

14 *MS. WILKERSON:* Can I pick them up though
15 and take them to my brother's home is what I'm asking.

16 *THE COURT:* For the next three months,
17 ma'am, there needs to be somebody with you, a competent
18 adult approved by Mr. Maldonado, when you're picking up
19 your children and exercising your possession and that
20 includes your vehicle all the way through to the house
21 where they're being supervised by you. I'm not requiring
22 somebody sitting there watching you directly the whole
23 time, but they have to be there at the location.

24 *MS. WILKERSON:* Your Honor, he's not gonna
25 approve anyone. He's only gonna approve my brother.

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1 THE COURT: Well, the Court already
2 approved your brother in regards to that. If you have
3 suggestions on individuals, there were a number of people
4 who testified today that I think might be able to be
5 approved as individuals to supervise that. So if you run
6 into an issue that is, again, something to discuss and
7 try to work out with Mr. Maldonado.

8 Again, I expect the parties to be adults.
9 I expect the parties to do what's in the best interest of
10 their children, to make sense of it and not be an
11 obstructionist one way or the other.

12 The kind of language that I heard spoken
13 between the parties should be ended. It shouldn't occur
14 again. I understand getting upset. I understand
15 cursing. I understand getting mad and angry. But that
16 kind of behavior, in front of the children, should not
17 occur.

18 And so we're gonna take this kind of slow.
19 I don't anticipate this is gonna be a case I'm never
20 gonna hear from again, and so I want to make sure that
21 we're doing what we need to do and that parties act,
22 again, act in what is the best interest of the children
23 and act like adults. I haven't really seen much of that.
24 And I want people to be calm. I want people to -- gosh,
25 act like parents.

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1 So with that being said, I think I've
2 covered everything else. Is there anything else,
3 Ms. James?

4 *MS. JAMES:* Your Honor, a couple points of
5 clarification on this. With respect to on page -- at the
6 end of Page 6 and the beginning of Page 7 of our Proposed
7 Parenting Plan, Number 1, does the Court grant that in
8 its entirety? It includes pre-possession testing as
9 well, Judge.

10 *THE COURT:* Well, all right. So
11 pre-possession, I'm not necessarily sure what you mean by
12 that. I'm gonna go through it with monthly, and it's
13 twice every month, so the 1st and the 15th.

14 *MS. JAMES:* The pre-possession would be
15 like an instant test, Your Honor, like a breathalyzer if
16 we smell alcohol.

17 *THE COURT:* All right. So it's gonna be
18 the 1st and 15th, like I said. We'll do that for six
19 months. If there's no violations, then we can --

20 *MS. WILKERSON:* And it's what kind of test?

21 *THE COURT:* Ten-panel.

22 *MS. JAMES:* A couple other questions, Your
23 Honor. Are any of these requirements a condition to
24 possession or does possession begin the next time there's
25 a --

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1 *THE COURT:* So the anger management is a
2 condition of possession. The drug test prior to the 15th
3 is a condition.

4 *MS. WILKERSON:* Your Honor, what --

5 *THE COURT:* An alcohol evaluation at
6 least -- the alcohol evaluation is a condition to
7 possession. And My Family Wizard is also a condition.

8 *MS. WILKERSON:* I've offered to work with
9 him. As far as --

10 *THE COURT:* Hold on. Hold on,
11 Ms. Wilkerson. Ms. James.

12 *MS. JAMES:* I was going to ask, sir, when
13 you say condition do you mean she doesn't get any
14 possession until those things happen?

15 *THE COURT:* Correct.

16 *MS. JAMES:* Okay. Thank you, Judge.

17 *MR. MALLERS:* I have a question. I know
18 Ms. Wilkerson wanted to ask a question. I'm sorry. Do I
19 have leave to ask a question?

20 *THE COURT:* Let me make sure Ms. Wilkerson
21 doesn't forget hers.

22 *MR. MALLERS:* Absolutely.

23 *THE COURT:* Ms. Wilkerson.

24 *MS. WILKERSON:* So I drug test before I can
25 see them or just the alcohol eval and anger management?

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1 *THE COURT:* All of it before you can see
2 them.

3 *MS. WILKERSON:* I mean because you said I
4 didn't have to submit one until the 15th and I just
5 submitted --

6 *THE COURT:* I said you don't have to submit
7 one on the 1st.

8 *MS. WILKERSON:* So I have to submit one
9 before I can see them?

10 *THE COURT:* Yes.

11 *MS. WILKERSON:* But I just took one last
12 week, Your Honor.

13 *THE COURT:* Okay. Well, you can take
14 another one before the 15th.

15 *MS. WILKERSON:* How do you want me to
16 submit it? Because she's gonna call it fake.

17 *THE COURT:* Ms. James, if you get the
18 information that's contained within the drug test --
19 Ms. Wilkerson, if you would allow and make sure that the
20 drug testing laboratory has permission or leave to speak
21 with and/or provide that information to Ms. James and
22 provide her with business records. You do that, then
23 she'll be able to verify any issues with it. So once you
24 submit it, usually it will include phone numbers, it will
25 include contact information, but make sure you sign up

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1 for that and give them --

2 *MS. WILKERSON:* I just took a drug test,
3 Your Honor.

4 *THE COURT:* I'm sorry?

5 *MS. WILKERSON:* You do know that I just
6 took a drug test?

7 *THE COURT:* Okay. What's your point?

8 *MS. WILKERSON:* I don't understand this
9 order. I don't understand why you're ruling this way is
10 all. I don't understand. I understand the anger
11 management. I don't understand why I'm gonna go this
12 much longer without seeing my children. I just -- I get
13 that he's had a lot of attorneys. I mean --

14 *THE COURT:* I understand you're not happy
15 about the situation here, you're not happy with the
16 ruling. I will tell you, Ms. Wilkerson, that it could
17 have been a lot worse. So at this point in time, I
18 think --

19 *MS. WILKERSON:* I've never -- I'm not a
20 criminal though. I don't abuse drugs, and I haven't -- I
21 haven't submitted a bad drug test. Like, I -- I don't --

22 *THE COURT:* Mr. Mallers, your question.

23 *MR. MALLERS:* Your Honor, I want to just
24 make sure I understand that these compliance with --
25 compliance with the drug tests ongoing are a condition

1 or -- for example, Number 2, she's suppose to get drug
2 tests starting February 15th and then the 1st and 15th of
3 each month thereafter; is that what you're saying?

4 *THE COURT:* For six months, yes.

5 *MR. MALLERS:* Okay, for six months. And
6 her ongoing compliance with that is a condition to her
7 ongoing possession?

8 *THE COURT:* Yes.

9 *MR. MALLERS:* And so 2(a) is supervised for
10 three months or six months?

11 *THE COURT:* Three months.

12 *MR. MALLERS:* Three months, all right.
13 Your Honor, I would like to know if we could have the
14 drug test done at the Collin County probation and the
15 alcohol assessment by the Collin County probation
16 department.

17 *THE COURT:* If they do that there, then,
18 yes. I don't know if they do it as a private matter.
19 You're saying in regards to requesting this Court to make
20 them do it?

21 *MR. MALLERS:* If they do it. I don't want
22 to have to accept whatever alcohol assessment is done. I
23 want to have my client to have input on who's going to do
24 the alcohol assessment and the drug testing center.

25 *THE COURT:* I said as long as it's someone

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1 approved by -- for the alcohol assessment, if it's
2 somebody who is approved by the Collin County probation
3 department, that's fine. There's a number of providers
4 that will do the alcohol assessment, and they'll give a
5 list of those individuals from the probation department.

6 I'm not gonna make her take her drug tests
7 here at the probation department to do that. She can use
8 a private lab to do that. That information should be
9 provided to you guys. I'm not gonna limit her. There's
10 a number of labs that do different hours, so I'm not
11 gonna limit to a specific location.

12 *MS. WILKERSON:* Your Honor --

13 *MR. MALLERS:* I can just see an issue with
14 Ms. Wilkerson coming with a bunch of documents, having
15 done things without any notice to us at all, and
16 demanding possession of these children, and then there's
17 some question about where she went or how this all went
18 down. That's my concern. We've seen it before in this
19 case.

20 *THE COURT:* Okay. So I don't feel like
21 there should be an order at this point in time to cover
22 that. I think if Ms. Wilkerson goes to a lab, an
23 accredited lab that has drug testing ability and it is
24 local, it can be private, and then she sends in that
25 information. And if y'all have concerns at that point in

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1 time that the information is false or inaccurate in some
2 way, I'll allow y'all to follow-up with that and present
3 evidence, if there is any, that it was false or
4 inaccurate. But again, it's a pretty standard process, a
5 ten-panel drug test. Most of the LabCorp type of
6 locations that do those kinds of tests will comply with
7 all court orders and are well-trusted by this Court. I
8 guess I don't understand the fear or the paranoia about
9 what might happen.

10 *MS. JAMES:* Your Honor, if I may.

11 *THE COURT:* Yes, ma'am.

12 *MS. JAMES:* The Court is requiring her to
13 release -- allow the lab or the facility to release the
14 documents directly to us?

15 *THE COURT:* Yes.

16 *MS. JAMES:* I think that that probably
17 alleviates the concern, provided that we're just getting
18 it directly from the provider.

19 *THE COURT:* Yes. So I mean, it needs to be
20 coming from the provider so that, Ms. Wilkerson, you need
21 to make sure you're using a provider that can send that
22 directly to the attorneys for Mr. Maldonado and that can
23 be verified.

24 *MS. WILKERSON:* Your Honor, with all due
25 respect to you, I just did that and they're calling it

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1 lies, so I would like another source.

2 *THE COURT:* They didn't call it lies,
3 ma'am, and I didn't take it as such. I'm not discounting
4 your presentation of your drug test or anything like
5 that. Okay. They said nothing about the drug test that
6 you presented. What I'm telling you is this is what I
7 want.

8 *MS. WILKERSON:* Okay. I'm just saying if I
9 could submit it to you as well.

10 *THE COURT:* No, I don't want it. I'm not
11 in the business of managing thousands of cases of
12 everybody's marital disputes and/or child custody
13 disputes.

14 *MS. WILKERSON:* His attorneys have proven
15 though that they're not -- they are not actually --

16 *THE COURT:* Okay. Be careful with your
17 words, Ms. Wilkerson.

18 *MS. WILKERSON:* They work unethically in
19 this case.

20 *THE COURT:* Okay. And, again, I'm asking
21 you to watch your words. I've seen nothing evidencing
22 these attorneys acting unethically, and I've seen
23 nothing, again, that would lead me to believe that. So
24 be careful with your words when you're starting to accuse
25 the attorneys involved in this case on what's happening.

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1 MR. MALLERS: My last issue, Judge, was
2 based upon everything that you've seen and everything
3 that you've been through and the fact that you realize
4 that this case -- you haven't seen the end of this case,
5 I think my client is entitled to a recovery of attorney
6 fees in this case.

7 MS. WILKERSON: Speaking of fees, that's
8 why I had asked in my summary of relief for a forensic
9 account. He has not given his entire income. He has two
10 homes with rental income on them, and he has two jobs.
11 He makes over the legislative amount to even be qualified
12 for child support. And I won't have a home if I don't --
13 like, I barely --

14 THE COURT: Please stop. All right. The
15 costs associated with this will be born by the parties
16 themselves.

17 MR. MALLERS: Okay, Your Honor.

18 MS. WILKERSON: Your Honor, as far as child
19 support --

20 THE COURT: I'm sorry. As far as what?

21 MS. WILKERSON: As far as the child support
22 order, we don't know what his income is. Like I was
23 saying, he makes almost \$9,000 a month plus.

24 THE COURT: Ma'am, his income doesn't
25 matter. He has possession of the children, so you will

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1 be paying child support.

2 *MS. WILKERSON:* He just took all of our
3 homes. Like I don't -- I have to try to come up with a
4 new way and place to live. I just don't understand how
5 that's reasonable.

6 *THE COURT:* Okay. Do you have any other
7 questions, ma'am?

8 *MS. WILKERSON:* What happens if I don't
9 have child support?

10 *THE COURT:* Ma'am, then you need to consult
11 with an attorney who can provide you with legal advice.
12 There are various negative consequences to not paying
13 child support and disregarding the court order.

14 *MS. WILKERSON:* How do I access an attorney
15 when I don't have any money?

16 *THE COURT:* All right. Do you have any
17 other questions, ma'am?

18 *(No response)*

19 *THE COURT:* Mr. Mallers? Ms. James?

20 *MS. JAMES:* Nothing further, Judge.

21 *MR. MALLERS:* Nothing further, sir.

22 *THE COURT:* Okay. Ms. James, if I could
23 ask your firm to prepare the order.

24 *MS. JAMES:* Yes, Your Honor.

25 *THE COURT:* And I will in this case split

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1 the costs of doing that with the parties. So in
2 referencing and preparing this order as propounded by
3 this Court, that cost can be split between the parties.

4 *MS. JAMES:* Thank you, Your Honor. Would
5 the Court consider setting this for entry so we have a
6 time certain when the Court will consider the order if
7 it's not been signed as agreed as to form.

8 *THE COURT:* Let's just get past that first
9 part. Go ahead and submit it, and then we'll see if
10 Ms. Wilkerson will review it and if she has any
11 objections as to form, we'll determine at that point if
12 that's necessary. But it will be a short amount of time,
13 trust me. I don't leave orders pending usually.

14 *MS. JAMES:* Thank you, Your Honor.

15 *THE COURT:* So just let me know, and if
16 it's been there or you run into the issue of it not going
17 to be signed, notify the Court and we'll set it pretty
18 much immediately for a hearing.

19 *MS. JAMES:* Okay. Thank you, Your Honor.

20 *THE COURT:* All right. All of the other
21 requested relief for either side is denied. All right.
22 I think that covers it. Thank you all very much. I
23 appreciate it. Y'all have a good day. Good luck to
24 everybody. Everybody's excused.

25 *(Proceedings adjourned)*

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1 STATE OF TEXAS

2 COUNTY OF COLLIN

3 I, Kimberly Tinsley, Deputy Court Reporter in and
4 for the 366th District Court of Collin County, State of
5 Texas, do hereby certify that the above and foregoing
6 contains a true and correct transcription of all portions
7 of evidence and other proceedings requested in writing by
8 counsel for the parties to be included in this volume of
9 the Reporter's Record in the above-styled and numbered
10 cause, all of which occurred remotely via Zoom in
11 accordance with the current Supreme Court of Texas'
12 Emergency Orders Regarding the COVID-19 State of Disaster
13 and were reported by me.

14 I further certify that the total cost for the
15 preparation of this Reporter's Record is \$162.50 and was
16 paid by Mark Maldonado.

17 WITNESS MY OFFICIAL HAND on this, the 11th day of
18 February, 2021.

19
20 /s/Kimberly Tinsley
21 Kimberly Tinsley
22 Texas CSR #3611
23 Deputy Court Reporter
24 366th District Court
25 2100 Bloomdale Rd
McKinney, Texas 75071
E-mail: ktinsleycsr@gmail.com
Expiration: 04/30/2022

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Filed: 2/22/2021 12:00 AM
Lynne Finley
District Clerk
Collin County, Texas
By Claudia Gomez Deputy
Envelope ID: 50738473

CASE NO. 366-53554-2020

**IN THE MATTER OF
THE MARRIAGE OF**

**MOLLY L. WILKERSON
AND
MARK MALDONADO**

**AND IN THE INTEREST OF
M.C.M. AND M.A.M., CHILDREN**

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IN THE DISTRICT COURT

366th JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

FINAL ORDER IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP

Date of Hearing

On January 26, 2021 and 27, 2021, the Court heard this case.

Appearances

Petitioner MARK MALDONADO (“Petitioner”) appeared in person and through his attorneys of record, George A. (Tony) Mallers and Claire E. James, and announced ready for trial.

Respondent MOLLY L. WILKERSON (“Respondent”) appeared in person, *pro se*, and announced ready for trial.

Jurisdiction

The Court finds that it has jurisdiction of the case and of all the parties.

Jury

A jury was waived and questions of fact and of law were submitted to the Court.

Record

The record of testimony was duly reported by Antoinette Varela, the Court Reporter for the 366th Judicial District Court of Collin County, Texas. For part of the testimony on January 27, 2021, the testimony was duly reported by Kim Tinsley, the Court Reporter for the 401st Judicial District Court, sitting for Antoinette Varela.

Children

The Court finds that the following children are subject of this suit:

a) Name: [REDACTED]

Sex: Female

[REDACTED]

County of Residence: Collin County, Texas

b) Name: [REDACTED]

Sex: Male

[REDACTED]

County of Residence: Collin County, Texas

Parenting Plan

The Court finds that the provisions in these orders relating to the rights and duties of the parties with relation to the children, possession of and access to the children, child support, and optimizing the development of a close and continuing relationship between each party and the children constitute the parenting plan established by the Court.

Conservatorship

The Court finds that the following orders are in the best interest of the children:

IT IS ORDERED that MARK MALDONADO is appointed Sole Managing Conservator and MOLLY L. WILKERSON is appointed Possessory Conservator of the following children:

[REDACTED] and [REDACTED].

IT IS ORDERED that, at all times, MARK MALDONADO, as a parent sole managing conservator, shall have the following rights:

- 1) the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;
- 2) the right to confer with the other parent to the extent possible before making a

decision concerning the health, education, and welfare of the children;

- 3) the right of access to medical, dental, psychological, and educational records of the children;
- 4) the right to consult with a physician, dentist, or psychologist of the children;
- 5) the right to consult with school officials concerning the children's welfare and educational status, including school activities;
- 6) the right to attend school activities, including school lunches, performances, and field trips;
- 7) the right to be designated on the children's records as a person to be notified in case of an emergency;
- 8) the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and
- 9) the right to manage the estate of the children to the extent the estate has been created by the parent or the parent's family.

IT IS ORDERED that, at all times, MOLLY L. WILKERSON, as a parent possessory conservator, shall have the following rights, which the Court finds must be qualified and limited as set forth below in order to be in the best interests of the children:

- 1) the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children, provided that MOLLY L. WILKERSON may not make duplicative, disparaging, harassing, threatening, or unreasonable requests for information;
- 2) the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children, provided that such conferences are conducted in a reasonable manner without duplicative, disparaging, threatening, argumentative, or harassing forms of communication;
- 3) the right of access to medical, dental, psychological, and educational records of the children, provided that MOLLY L. WILKERSON may not make duplicative, disparaging, harassing, threatening, or unreasonable requests for records;
- 4) the right to consult with a physician, dentist, or psychologist of the children, provided that MOLLY L. WILKERSON may not interfere with any medical, dental, surgical, counseling, psychiatric, or psychological decisions or treatment arranged by MARK MALDONADO for either of the children;

5) the right to consult with school officials concerning the children's welfare and educational status, including school activities, provided that MOLLY L. WILKERSON may not appear at the children's school while school is in session without prior written approval by MARK MALDONADO, may not take the children out of school when school is in session except with written approval by MARK MALDONADO, and may not interfere with educational decisions made by MARK MALDONADO;

6) the right to attend school activities, including school lunches, performances, and field trips, provided that MOLLY L. WILKERSON may not appear at the children's school while school is in session without prior written approval by MARK MALDONADO, may not attend school lunches or field trips during MARK MALDONADO's periods of possession without prior written approval by MARK MALDONADO, may not schedule school-related or extracurricular activities during MARK MALDONADO's periods of possession, and may not interfere with school-related decisions made by MARK MALDONADO;

7) the right to be designated on the children's records as a person to be notified in case of an emergency;

8) the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and

9) the right to manage the estate of the children to the extent the estate has been created by the parent or the parent's family.

IT IS ORDERED that, at all times, Mark Maldonado, as parent sole managing conservator and Molly L. Wilkerson, as parent possessory conservator, shall each have the following duties:

1) the duty to inform the other conservator of the children in a timely manner of significant information concerning the health, education, and welfare of the children;

2) the duty to inform the other conservator of the children if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator of the child as soon as practicable, but not later than the fortieth day after the date the conservator of the children begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;**

3) the duty to inform the other conservator of the children if the conservator

establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;**

4) the duty to inform the other conservator of the children if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;** and

5) the duty to inform the other conservator of the children if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.**

IT IS ORDERED that, during their respective periods of possession, MARK MALDONADO, as parent sole managing conservator, and MOLLY L. WILKERSON, as parent possessory conservator, shall each have the following rights and duties:

- 1) the duty of care, control, protection, and reasonable discipline of the children;
- 2) the duty to support the children, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
- 3) the right to consent for the children to medical and dental care not involving an invasive procedure; and
- 4) the right to direct the moral and religious training of the children.

IT IS ORDERED that MARK MALDONADO, as a parent sole managing conservator,

shall have the following exclusive rights and duties:

- 1) the exclusive right to designate the primary residence of the children ;
- 2) the exclusive right to consent to consent to medical, dental, and surgical treatment involving invasive procedures;
- 3) the exclusive right to consent to psychiatric and psychological treatment of the children;
- 4) the exclusive right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;
- 5) the exclusive right to make decisions concerning the children's education;
- 6) the exclusive right to apply for a passport for the children, to renew the children's passport, and to maintain possession of the children's passport;
- 7) the exclusive right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;
- 8) the exclusive right to consent to marriage and to enlistment in the armed forces of the United States;
- 9) except as provided by section 264.0111 of the Texas Family Code, the exclusive right to the services and earnings of the children;
- 10) except when a guardian of the children's estate or a guardian or attorney ad litem has been appointed for the children, the exclusive right to act as an agent of the children in relation to the children's estate if the children's action is required by a state, the United States, or a foreign government;
- 11) the exclusive duty to manage the estate of the child to the extent the estate has been created by community property or the joint property of the parents, if any; and
- 12) the exclusive right to apply for, renew, and maintain the children's passports.

Other Provisions Regarding Medical and Dental Care of Children and Counseling

IT IS ORDERED that MOLLY L. WILKERSON shall not, directly or indirectly through others, change, cancel, or reschedule, or attempt to change, cancel, or reschedule medical, dental, or counseling appointments for either child which have been scheduled, set, or arranged by MARK MALDONADO or anyone at his direction without MARK MALDONADO'S prior written approval. MARK MALDONADO shall notify MOLLY L. WILKERSON of all appointments.

IT IS ORDERED that MOLLY L. WILKERSON shall not personally appear at the medical, dental, or counseling office at appointments which occur during a time in which MARK MALDONADO has the right to possession of the children without MARK MALDONADO's prior written approval.

IT IS ORDERED that MOLLY L. WILKERSON shall not directly or indirectly through others take any action to interfere or communicate with any personnel at the medical, dental, or counseling office prior to or during appointments which occur during a time in which MARK MALDONADO has the right to possession of the children without MARK MALDONADO's prior written approval.

Possession and Access

The Court finds that MOLLY L. WILKERSON has a history or pattern of committing family violence during the two-year period preceding the filing of this suit or during the pendency of this suit. The Court further finds that the restrictions on MOLLY L. WILKERSON's possession and access to the children contained in this Order are the minimal restrictions necessary to protect the children's best interest. The Court further finds that possession and access pursuant to the following terms and conditions would be in the best interest of the children only if the conditions

contained in this Order are met. **IT IS THEREFORE ORDERED** as follows:

IT IS ORDERED that each conservator shall comply with all terms and conditions of this Possession Order. **IT IS ORDERED** that this Possession Order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs this Possession Order. **IT IS, THEREFORE, ORDERED:**

Express Conditions Precedent to Molly L. Wilkerson's Right to Possession

IT IS ORDERED that any and all possession by MOLLY L. WILKERSON is expressly conditioned upon MOLLY L. WILKERSON's full compliance with the conditions described in this section. The following is **ORDERED**:

1) Until further order of this Court, any and all possession of or access to the children by MOLLY L. WILKERSON shall be supervised at all times at Level 1 Observational Supervision by Hannah's House, 972-238-8888 or info@hannahshouse.org, at their facility or at another location upon such terms and conditions as imposed by Hannah's House.

2) For six (6) months following the date of entry of this Order, MOLLY L. WILKERSON is **ORDERED** to submit to random 10-panel urinalysis testing twice per month at Blue Star Diagnostics of Plano, 720 E Park Blvd #102, Plano, TX 75074, Telephone number (469) 656-7999. All such tests must be on-view of the facility personnel and not behind closed doors. MOLLY L. WILKERSON is **ORDERED** to provide a copy of this Order to the testing facility prior to the conducting of any test. MOLLY L. WILKERSON is **ORDERED** to authorize the testing facility to release all of her results directly to MARK MALDONADO and his counsel of record. MOLLY L. WILKERSON shall pay 100% of the cost of such tests. **IT IS ORDERED** that MOLLY L. WILKERSON shall submit to her first 10-panel urinalysis drug test as a condition precedent to any possession of the children. If MOLLY L. WILKERSON tests positive for any drug for which she does not have an active and valid prescription, MOLLY L. WILKERSON shall

be automatically suspended, without further notice, hearing, or order, from having any possession of and access to the children the subject of this suit until further order of the Court following notice and hearing to both parties. **IT IS ORDERED** that MOLLY L. WILKERSON shall provide MARK MALDONADO and his attorneys with proof of her prescription(s) within 48 hours of receipt of any positive drug test, including such tests which she may allege are positive due to a prescription medication.

3) **IT IS ORDERED** that MOLLY L. WILKERSON is prohibited, enjoined and restrained from intentionally or knowingly taking any action to change, affect, hide, obscure, modify, or skew the potential results of any drug test ordered in this Final Order.

4) MOLLY L. WILKERSON shall enroll in and successfully complete an eight-hour anger management course with a provider contained on the list, attached hereto as Exhibit A, of providers approved by the Collin County Adult Probation Department. MOLLY L. WILKERSON is **ORDERED** to pay 100% of the cost of such anger management course. **As a condition precedent to any possession of or access to the children,** MOLLY L. WILKERSON is **ORDERED** to provide proof of her enrollment in anger management to MARK MALDONADO through his attorneys of record on or before February 15, 2021. MOLLY L. WILKERSON is **ORDERED** to timely attend and complete classes as required by the anger management course provider and to authorize the anger management provider to release attendance records directly to MARK MALDONADO and his attorneys.

5) ~~MOLLY L. WILKERSON shall register for and successfully complete an alcohol evaluation with a provider approved by the Collin County Adult Probation Department. MOLLY L. WILKERSON is **ORDERED** to pay 100% of the cost of the evaluation. **As a condition precedent to any possession of or access to the children,** MOLLY L. WILKERSON shall submit~~

proof of scheduling her alcohol evaluation to MARK MALDONADO and his attorneys on or before to February 15, 2021. MOLLY L. WILKERSON is **ORDERED** to timely attend any sessions and complete all paperwork as required by the evaluator and to authorize the alcohol evaluation provider to release results of the alcohol evaluation directly to MARK MALDONADO and his attorneys.

6) MOLLY L. WILKERSON shall schedule and participate in a psychological evaluation by Benjamin J. Albritton, PsyD, ABPP. MOLLY L. WILKERSON is **ORDERED** to pay 100% of the cost of the evaluation. As a condition precedent to any possession of or access to the children, MOLLY L. WILKERSON shall submit proof of scheduling her psychological evaluation to MARK MALDONADO and his attorneys on or before to March 15, 2021. **IT IS ORDERED** that, in conducting the psychological evaluation, the evaluator shall consider the following materials: relevant pleadings and orders filed in this case; relevant exhibits admitted at trial or any hearing of this matter; communications between the parties, counsel, and court staff during the pendency of this case; and all materials filed and/or prepared by MARK MALDONADO and/or the Richardson Police Department relating to the February 11, 2021 arrest of MOLLY L. WILKERSON and the subsequent protective orders against MOLLY L. WILKERSON. MOLLY L. WILKERSON is **ORDERED** to timely attend all sessions with the psychologist or his staff, timely and accurately complete and provide all paperwork required, and to authorize the psychological evaluation provider to release results of the psychological evaluation directly to MARK MALDONADO and his attorneys.

7) MOLLY L. WILKERSON is **ORDERED** to attend psychological counseling at least two times per month commencing on or before March 15, 2021 and continuing for six (6) months MOLLY L. WILKERSON shall pay for 100% of the cost of such psychological

counseling. MOLLY L. WILKERSON is **ORDERED** to authorize the counseling provider to release attendance records for her counseling directly to MARK MALDONADO and his attorneys.

8) **IT IS ORDERED** that MOLLY L. WILKERSON will participate in alcohol monitoring through Soberlink until further order of the Court under the following conditions:

a. MOLLY L. WILKERSON shall purchase a Soberlink device at www.soberlink.com and shall complete and submit all paperwork and documentation requested by Soberlink on or before March 15, 2021. The parties are **ORDERED** to request and electronically sign a Soberlink Monitoring Agreement on or before March 15, 2021.

b. Upon activation of the Soberlink device, MOLLY L. WILKERSON is **ORDERED** to opt in to Soberlink text messages. MOLLY L. WILKERSON is **ORDERED** to ensure that MARK MALDONADO and his attorneys of record receive text messages from Soberlink and that all Soberlink test results are released to MARK MALDONADO and his attorneys of record.

c. MOLLY L. WILKERSON shall send a test two (2) hours prior to any possession of or access to the children, one hour prior to any possession of or access to the children, at the beginning of each period of possession or access, and each hour during any period of possession or access.

d. A test shall be considered “missed” if it is not performed within 1 hour of the time listed above. A “missed” test shall be deemed a positive test.

e. **IT IS ORDERED** that MOLLY L. WILKERSON shall obtain a Soberlink device and enable MARK MALDONADO and his attorneys to be notified of all Soberlink testing results as a condition precedent to any possession of the children. If MOLLY L. WILKERSON tests positive for alcohol on any Soberlink test, MOLLY L. WILKERSON shall be automatically

suspended, without further order, from having any possession of and access to the children the subject of this suit until further order of the Court

9) **IT IS ORDERED** that all periods of possession by MOLLY L. WILKERSON shall occur at all times in Collin County, Texas or a county contiguous to Collin County, Texas. **IT IS ORDERED** that MOLLY L. WILKERSON shall be enjoined from removing the children from Collin County, Texas and counties contiguous to Collin County, Texas without prior written approval by MARK MALDONADO.

Custom Possession Order

(a) Definitions

1. In this Possession Order, “school” means the elementary or secondary school in which the children are enrolled or, if the children are not enrolled in an elementary or secondary school, the public school district in which the children primarily reside.

2. In this Possession Order, “child” includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

(b) Mutual Agreement or Specified Terms for Possession

IT IS ORDERED that the conservators shall have possession of the children at times mutually agreed to in advance by the parties, and, in the absence of mutual agreement, **IT IS ORDERED** that the conservators shall have possession of the children under the specified terms set out in this Possession Order.

MOLLY L. WILKERSON shall have the right to possession of the children as follows:

1. On Saturdays following the first, third, and fifth Friday of each month, beginning at 10:00 a.m. and ending at 1:00 p.m. on that same date; and

2. On Sundays following the second and fourth Fridays of each month, beginning at 10:00 a.m. and ending at 1:00 p.m. on that same day.

3. On Mother's Day of each year beginning at 10:00 a.m. and ending at 1:00 p.m.

(c) Undesignated Periods of Possession

MARK MALDONADO shall have the right of possession of the children at all other times not specifically designated in this Possession Order for MOLLY L. WILKERSON.

(d) General Terms and Conditions

Except as otherwise expressly provided in this Possession Order, the terms and conditions of possession of the children that apply regardless of the distance between the residence of a parent and the children are as follows:

1. Surrender of Children by Mark Maldonado—MARK MALDONADO is **ORDERED** to surrender the children to Hannah's House at the beginning of each period of MOLLY L. WILKERSON's possession.

2. Surrender of Children by Molly L. Wilkerson—MOLLY L. WILKERSON is **ORDERED** to surrender the children to MARK MALDONADO through Hannah's House.

3. Surrender of Children by Mark Maldonado—MARK MALDONADO is **ORDERED** to surrender the children to Hannah's House, if the children are in MARK MALDONADO's possession or subject to MARK MALDONADO's control, at the beginning of each period of MOLLY L. WILKERSON's exclusive periods of possession, at the place designated in this Possession Order.

4. Return of Children by Molly L. Wilkerson—MOLLY L. WILKERSON is **ORDERED** to return the children to MARK MALDONADO through Hannah's House, if MARK

MALDONADO is entitled to possession of the children, at the end of each of MOLLY L. WILKERSON's exclusive periods of possession, at the place designated in this Possession Order.

5. Personal Effects—Each conservator is **ORDERED** to return with the children the personal effects that the children brought at the beginning of the period of possession.

6. Designation of Competent Adult—Each conservator may designate any competent adult to pick up and return the children, as applicable. **IT IS ORDERED** that a conservator or a designated competent adult be present when the children are picked up or returned.

7. Inability to Exercise Possession—Each conservator is **ORDERED** to give notice to the person in possession of the children on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

8. Written Notice—Written notice, including notice provided by electronic mail or facsimile, shall be deemed to have been timely made if received or, if applicable, postmarked before or at the time that notice is due. Each conservator is **ORDERED** to notify the other conservator of any change in the conservator's electronic mail address or facsimile number within twenty-four hours after the change.

9. The periods of possession ordered above apply to each child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

10. Except as expressly provided herein, **IT IS ORDERED** that neither conservator shall take possession of the children during the other conservator's period of possession unless there is a prior written agreement signed by both conservators or in case of an emergency.

Child Support

Child Support Ordered

IT IS ORDERED that MOLLY L. WILKERSON is obligated to pay and shall pay to

MARK MALDONADO child support of Two Hundred Ninety-Seven Dollars and Thirteen Cents (\$297.13) per month, with the first payment being due and payable on February 1, 2021 and a like payment being due and payable on the first day of each month thereafter until the first month following the date of the earliest occurrence of one of the events specified below:

1) any child reaches the age of eighteen years or graduates from high school, whichever occurs later, subject to the provisions for support beyond the age of eighteen years set out below;

2) any child marries;

3) any child dies;

4) any child enlists in the armed forces of the United States and begins active service as defined by section 101 of title 10 of the United States Code; or

5) any child's disabilities are otherwise removed for general purposes.

Thereafter, **IT IS ORDERED** that MOLLY L. WILKERSON is obligated to pay and shall pay to MARK MALDONADO child support of Two Hundred Thirty-Seven Dollars and 70/100 (\$237.70) per month, with the first payment being due and payable on the first day of the month following the occurrence of one of the events described above and a like payment being due and payable on the first day of each month thereafter until the first month following the date of the earliest occurrence of one of the events specified below:

1) the child reaches the age of eighteen years or graduates from high school, whichever occurs later, subject to the provisions for support beyond the age of eighteen years set out below;

2) the child marries;

3) the child dies;

4) the child enlists in the armed forces of the United States and begins active service as defined by section 101 of title 10 of the United States Code; or

5) the child's disabilities are otherwise removed for general purposes.

If a child is eighteen years of age and has not graduated from high school and MOLLY L. WILKERSON's obligation to support the child has not already terminated, **IT IS ORDERED** that MOLLY L. WILKERSON's obligation to pay child support to MARK MALDONADO shall not terminate but shall continue for as long as the child is enrolled—

1) under chapter 25 of the Texas Education Code in an accredited secondary school in a program leading toward a high school diploma or under section 130.008 of the Education Code in courses for joint high school and junior college credit and is complying with the minimum attendance requirements of subchapter C of chapter 25 of the Education Code or

2) on a full-time basis in a private secondary school in a program leading toward a high school diploma and is complying with the minimum attendance requirements imposed by that school.

Statement on Guidelines

In accordance with Texas Family Code section 154.130, the Court makes the following findings and conclusions regarding the child support order made in open court in this case on January 27, 2021:

1. The amount of child support ordered by the Court is in accordance with the percentage guidelines; and
2. The net resources of MOLLY L. WILKERSON per month, after crediting MOLLY L. WILKERSON for payment of cash medical support and cash dental support in the total amount of \$117.55, are \$1,188.51.

Withholding from Earnings

IT IS ORDERED that any employer of MOLLY L. WILKERSON be ordered to withhold the child support payments ordered in this order from the disposable earnings of MOLLY L. WILKERSON for the support of the children.

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of MOLLY L. WILKERSON by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support **ORDERED** paid by this order through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this order, the balance due remains an obligation of MOLLY L. WILKERSON, and it is hereby **ORDERED** that MOLLY L. WILKERSON pay the balance due directly to the state disbursement unit as specified below.

On this date the Court signed an Income Withholding for Support.

Payment

IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to MARK MALDONADO for the support of the children. **IT IS ORDERED** that all payments shall be made payable to the Office of the Attorney General and include the ten-digit Office of the Attorney General case number (if available), the cause number of this suit, MOLLY L. WILKERSON's name as the name of the noncustodial parent (NCP), and MARK MALDONADO's name as the name of the custodial parent (CP). Payment options are found on the Office of the Attorney General's website at

<https://www.texasattorneygeneral.gov/cs/payment-options-and-types>.

IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the state disbursement unit and any other agency statutorily authorized to charge a fee.

Change of Employment

IT IS FURTHER ORDERED that MOLLY L. WILKERSON shall notify this Court and MARK MALDONADO by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of MOLLY L. WILKERSON and the name and address of her current employer, whenever that information becomes available.

Clerk's Duties

IT IS ORDERED that, on the request of a prosecuting attorney, the title IV-D agency, the friend of the Court, a domestic relations office, MOLLY L. WILKERSON, MARK MALDONADO, or an attorney representing MOLLY L. WILKERSON or MARK MALDONADO, the clerk of this Court shall cause a certified copy of the Income Withholding for Support to be delivered to any employer.

Medical and Dental Support

1) **IT IS ORDERED** that MARK MALDONADO and MOLLY L. WILKERSON shall each provide medical support for the children as set out in this order as additional child support for as long as the Court may order MARK MALDONADO and MOLLY L. WILKERSON to provide support for the children under sections 154.001 and 154.002 of the Texas Family Code. Beginning on the day MARK MALDONADO and MOLLY L. WILKERSON'S actual or potential obligation to support the children under sections 154.001 and 154.002 of the Family Code

terminates, **IT IS ORDERED** that MARK MALDONADO and MOLLY L. WILKERSON are discharged from the obligations set forth in this medical and dental support order, except for any failure by a parent to fully comply with those obligations before that date.

1) Definitions -

"Health Insurance" means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code.

"Reasonable cost" means the cost of health insurance coverage for a child that does not exceed 9 percent of MOLLY L. WILKERSON'S annual resources, as described by section 154.062(b) of the Texas Family Code.

"Dental insurance" means insurance coverage that provides preventive dental care and other dental services, including usual dentist services, office visits, examinations, X-rays, and emergency services, that may be provided through a single service health maintenance organization or other private or public organization.

"Reasonable cost" of dental insurance means the cost of dental insurance coverage for a child that does not exceed 1.5 percent of MOLLY L. WILKERSON'S annual resources, as described by section 154.062(b) of the Texas Family Code.

"Health-care expenses" include, without limitation, medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges but do not include expenses for travel to and from the provider or for nonprescription medication.

"Health-care expenses that are not reimbursed by insurance" ("unreimbursed expenses")

include related copayments and deductibles.

"Furnish" means -

- a. to hand deliver the document by a person eighteen years of age or older either to the recipient or to a person who is eighteen years of age or older and permanently resides with the recipient;
- b. to deliver the document to the recipient by certified mail, return receipt requested, to the recipient's last known mailing or residence address; or
- c. to deliver the document to the recipient at the recipient's last known mailing or residence address using any person or entity whose principal business is that of a courier or deliverer of papers or documents either within or outside the United States.

2) Findings on Health Insurance Availability-

Having considered the cost, accessibility, and quality of health insurance coverage available to the parties, the Court finds:

Health insurance is available to the children at this time from MARK MALDONADO from his employment or membership in a union, trade association, or other organization at a reasonable cost of Two Hundred Thirty-Nine and 70/100 dollars (\$239.70) per month.

IT IS FURTHER FOUND that the following orders regarding health-care coverage are in the best interest of the children.

3) Provision of Health-Care Coverage -

MARK MALDONADO is **ORDERED** to maintain health insurance in full force and effect on each child for so long as child support is payable for the child.

MARK MALDONADO is **ORDERED**—

- a. to furnish to each conservator of the children the following information no later than the thirtieth day after the date the notice of the rendition of this order is received:
- i. MARK MALDONADO's date of birth;
 - ii. the name and address of MARK MALDONADO's employer;
 - iii. whether MARK MALDONADO's employer is self-insured or has health insurance available;
 - iv. proof that health insurance has been provided for each child;
 - v. if MARK MALDONADO's employer has health insurance available:
 - (a) the name of the health insurance carrier;
 - (b) the number of the policy;
 - (c) a copy of the policy;
 - (d) a schedule of benefits;
 - (e) a health insurance membership card;
 - (f) claim forms; and
 - (g) any other information necessary to submit a claim; and
 - vi. if MARK MALDONADO's employer is self-insured:
 - (a) a copy of the schedule of benefits;
 - (b) a membership card;
 - (c) claim forms; and
 - (d) any other information necessary to submit a claim;
- b. to furnish to each conservator of the children a copy of any renewals or changes to the health insurance policy covering a child and any additional information regarding health insurance coverage of the children not later than the fifteenth

day after MARK MALDONADO receives or is provided with the renewal, change, or additional information;

- c. to notify each conservator of the children of any termination or lapse of the health insurance coverage of a child not later than the fifteenth day after the date of the termination or lapse;
- d. after a termination or lapse of health insurance coverage, to notify each conservator of the children of the availability to MARK MALDONADO of additional health insurance for the children not later than the fifteenth day after the date the additional health insurance becomes available; and
- e. after a termination or lapse of health insurance coverage, to enroll the children in a health insurance plan that is available to MARK MALDONADO at reasonable cost at the next available enrollment period.

Pursuant to section 1504.051 of the Texas Insurance Code, **IT IS ORDERED** that if MARK MALDONADO is eligible for dependent health coverage but fails to apply to obtain coverage for the child, the insurer shall enroll the children on application of MOLLY L. WILKERSON or others as authorized by law.

4) Findings on Availability of Dental Insurance

Having considered the cost, accessibility, and quality of dental insurance coverage available to the parties, the Court finds:

Dental insurance is available to the children at this time from MARK MALDONADO from his employment or membership in a union, trade association, or other organization at a reasonable cost of Thirty-Eight and 9/100 dollars (\$38.09) per month.

IT IS FURTHER FOUND that the following orders regarding dental coverage are in the

best interest of the children.

5) Provision of Dental Coverage

MARK MALDONADO is **ORDERED**—

a. to furnish to each conservator of the children the following information no later than the thirtieth day after the date the notice of the rendition of this order is received:

- i. MARK MALDONADO's date of birth;
- ii. the name and address of MARK MALDONADO's employer;
- iii. whether MARK MALDONADO's employer is self-insured or has dental insurance available;
- iv. proof that dental insurance has been provided for each child;
- v. if MARK MALDONADO's employer has dental insurance available:
 - (a) the name of the dental insurance carrier;
 - (b) the number of the policy;
 - (c) a copy of the policy;
 - (d) a schedule of benefits;
 - (e) a dental insurance membership card;
 - (f) claim forms; and
 - (g) any other information necessary to submit a claim; and
- vi. if MARK MALDONADO's employer is self-insured:
 - (a) a copy of the schedule of benefits;
 - (b) a membership card;
 - (c) claim forms; and
 - (d) any other information necessary to submit a claim;

- b. to furnish to each conservator of the children a copy of any renewals or changes to the dental insurance policy covering a child and any additional information regarding dental insurance coverage of the children not later than the fifteenth day after MARK MALDONADO receives or is provided with the renewal, change, or additional information;
- c. to notify each conservator of the children of any termination or lapse of the dental insurance coverage of a child not later than the fifteenth day after the date of the termination or lapse;
- d. after a termination or lapse of dental insurance coverage, to notify each conservator of the children of the availability to MARK MALDONADO of additional dental insurance for the children not later than the fifteenth day after the date the additional dental insurance becomes available; and
- e. after a termination or lapse of dental insurance coverage, to enroll the children in a dental insurance plan that is available to MARK MALDONADO at reasonable cost at the next available enrollment period.

MARK MALDONADO is **ORDERED** to maintain dental insurance in full force and effect on each child for so long as child support is payable for the child.

1) Cash Medical and Dental Support

As additional child support, MOLLY L. WILKERSON is **ORDERED** to pay cash medical and dental support, as additional child support, of One Hundred Seventeen Dollars and Fifty-Five Cents (\$117.55) per month, with the first installment being due and payable on February 1, 2021 and a like installment being due and payable on or before the 1st day of each month until the termination or modification of current child support for the children.

IT IS FURTHER ORDERED that the additional child support payments for the cost of

health and dental insurance ordered herein are payable through the state disbursement unit or as directed below and subject to the provisions for withholding from earnings provided above for other child support payments. MOLLY L. WILKERSON is **ORDERED** to make all payments for cash medical support through the Texas Child Support State Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791. The payment of cash medical support required by this order will be by an order for withholding from earnings separate from any other wage withholding order required. The cash medical support payments ordered herein are to be paid to the Office of the Attorney General for so long as the child is enrolled. On the first day of the month immediately following the date on which the child is no longer enrolled, the cash medical support payments ordered herein are to be paid to MARK MALDONADO.

IT IS ORDERED that the cash medical support provisions of this order shall be an obligation of the estate of MOLLY L. WILKERSON and shall not terminate on her death.

Pursuant to section 154.183(c) of the Texas Family Code, the reasonable and necessary health-care expenses of the children that are not reimbursed by health insurance are allocated as follows: MOLLY L. WILKERSON is **ORDERED** to pay fifty percent (50%) and MARK MALDONADO is **ORDERED** to pay fifty percent (50%) of the unreimbursed health-care expenses.

7. Findings on Availability of Dental Insurance -

Having considered the cost, accessibility, and quality of dental insurance coverage available to the parties, the Court finds:

Dental insurance is available to MARK MALDONADO from his employment or membership in a union, trade association, or other organization.

IT IS FURTHER FOUND that the following orders regarding dental coverage are in the

best interest of the children.

8) Provision of Dental Coverage -

As additional child support, MARK MALDONADO is **ORDERED** to obtain, within 30 days after entry of this order, and then maintain dental insurance for the children as long as child support is payable for that child. MARK MALDONADO is **ORDERED**-

- a. to furnish to each conservator of the child the following information no later than the thirtieth day after the date the notice of the rendition of this order is received:
 - i. MARK MALDONADO'S date of birth;
 - ii. the name and address of MARK MALDONADO'S employer;
 - iii. whether MARK MALDONADO'S employer is self-insured or has dental insurance available;
 - iv. proof that dental insurance has been provided for the child;
 - v. if MARK MALDONADO'S employer has dental insurance available:
 - (a) the name of the dental insurance carrier;
 - (b) the number of the policy;
 - (c) a copy of the policy;
 - (d) a schedule of benefits;
 - (e) a dental insurance membership card;
 - (f) claim forms; and
 - (g) any other information necessary to submit a claim; and
 - vi. if MARK MALDONADO'S employer is self-insured:

- (a) a copy of the schedule of benefits;
 - (b) a membership card;
 - (c) claim forms; and
 - (d) any other information necessary to submit a claim;
- b. to furnish to each conservator of the children a copy of any renewals or changes to the dental insurance policy covering the children and any additional information regarding dental insurance coverage of the children not later than the fifteenth day after MARK MALDONADO receives or is provided with the renewal, change, or additional information;
- c. to notify each conservator of the children of any termination or lapse of the dental insurance coverage of the children not later than the fifteenth day after the date of the termination or lapse;
- d. after a termination or lapse of dental insurance coverage, to notify each conservator of the children of the availability to MARK MALDONADO of additional dental insurance for the child not later than the fifteenth day after the date the additional dental insurance becomes available; and
- e. after a termination or lapse of dental insurance coverage, to enroll the child in a dental insurance plan that is available to MARK MALDONADO at reasonable cost at the next available enrollment period.

Pursuant to section 1504.051 of the Texas Insurance Code, **IT IS ORDERED** that if MARK MALDONADO is eligible for dependent dental coverage but fails to apply to obtain coverage for the child, the insurer shall enroll the children on application of MOLLY L. WILKERSON or others as authorized by law.

IT IS ORDERED that the provisions of this order for payments for the cost of dental insurance shall be an obligation of the estate of MOLLY L. WILKERSON and shall not terminate on her death.

The party who incurs a health-care expense on behalf of the child is **ORDERED** to furnish to the other party forms, receipts, bills, statements, and explanations of benefits reflecting the uninsured portion of the health-care expenses within thirty days after the incurring party receives them. The nonincurring party is **ORDERED** to pay the non-incurring party's percentage of the uninsured portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring party for any advance payment exceeding the incurring party's percentage of the uninsured portion of the health-care expenses within thirty days after the nonincurring party receives the forms, receipts, bills, statements, and/or explanations of benefits. However, if the incurring party fails to submit to the other party forms, receipts, bills, statements, and explanations of benefits reflecting the uninsured portion of the health-care expenses within thirty days after the incurring party receives them, **IT IS ORDERED** that the nonincurring party shall pay the nonincurring party's percentage of the uninsured portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring party for any advance payment exceeding the incurring party's percentage of the uninsured portion of the health-care expenses within 120 days after the nonincurring party receives the forms, receipts, bills, statements, and/or explanations of benefits.

These provisions apply to all unreimbursed health-care expenses of the children the subject of this suit that are incurred while child support is payable for the children.

9) Secondary Coverage

IT IS ORDERED that if a party provides secondary health insurance coverage for the

children, both parties shall cooperate fully with regard to the handling and filing of claims with the insurance carrier providing the coverage in order to maximize the benefits available to the children and to ensure that the party who pays for health-care expenses for the children is reimbursed for the payment from both carriers to the fullest extent possible.

10) Compliance with Insurance Company Requirements

Each party is **ORDERED** to conform to all requirements imposed by the terms and conditions of the policy of health insurance covering the child in order to assure the maximum reimbursement or direct payment by the insurance company of the incurred health-care expense, including but not limited to requirements for advance notice to any carrier, second opinions, and the like. Each party is **ORDERED** to use "preferred providers," or services within the health maintenance organization, if applicable. Disallowance of the bill by a health insurer shall not excuse the obligation of either party to make payment. Excepting emergency health-care expenses incurred on behalf of the children, if a party incurs health-care expenses for the children using "out-of-network" health-care providers or services, or fails to follow the health insurance company procedures or requirements, that party shall pay all such health-care expenses incurred absent (1) written agreement of the parties allocating such health-care expenses or (2) further order of the Court.

11) Claims

Except as provided in this paragraph, the party who is not carrying the health insurance policy covering the children is **ORDERED** to furnish to the party carrying the policy, within fifteen days of receiving them, any and all forms, receipts, bills, and statements reflecting the health-care expenses the party not carrying the policy incurs on behalf of the children. In accordance with section 1204.251 and 1504.055(a) of the Texas Insurance Code, **IT IS**

ORDERED that the party who is not carrying the health insurance policy covering the children, at that party's option, may file any claims for health-care expenses directly with the insurance carrier with and from whom coverage is provided for the benefit of the children and receive payments directly from the insurance company. Further, for the sole purpose of section 1204.251 of the Texas Insurance Code, MARK MALDONADO is designated the managing conservator or possessory conservator of the children.

The party who is carrying the health insurance policy covering the children is **ORDERED** to submit all forms required by the insurance company for payment or reimbursement of health-care expenses incurred by either party on behalf of the children to the insurance carrier within fifteen days of that party's receiving any form, receipt, bill, or statement reflecting the expenses.

12) Constructive Trust for Payments Received

IT IS ORDERED that any insurance payments received by a party from the health insurance carrier as reimbursement for health-care expenses incurred by or on behalf of the children shall belong to the party who paid those expenses. **IT IS FURTHER ORDERED** that the party receiving the insurance payments is designated a constructive trustee to receive any insurance checks or payments for health-care expenses paid by the other party, and the party carrying the policy shall endorse and forward the checks or payments, along with any explanation of benefits received, to the other party within three days of receiving them.

13) **WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILD, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE**

HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILD.

14) Notice to Employer - On this date a Medical Support Notice was authorized to be issued by the Court. For the purpose of section 1169 of title 29 of the United States Code, the party not carrying the health insurance policy is designated the custodial parent and alternate recipient's representative.

IT IS ORDERED that the child support as prescribed in this order shall be exclusively discharged in the manner ordered and that any direct payments made by MOLLY L. WILKERSON to MARK MALDONADO or any expenditures incurred by MOLLY L. WILKERSON during MOLLY L. WILKERSON's periods of possession of or access to the children, as prescribed in this order, for food, clothing, gifts, travel, shelter, or entertainment are deemed in addition to and not in lieu of the support ordered in this order.

Coparenting Website Program

IT IS ORDERED that MARK MALDONADO and MOLLY L. WILKERSON each shall, within ten (10) days after this order is signed by the Court, obtain at his or her sole expense a subscription to the Our Family Wizard program on the website at www.ourfamilywizard.com. **IT IS FURTHER ORDERED** that MARK MALDONADO and MOLLY L. WILKERSON each shall maintain that subscription in full force and effect for as long as any child is under the age of eighteen years and not otherwise emancipated.

IT IS ORDERED that MARK MALDONADO and MOLLY L. WILKERSON shall each communicate through the Our Family Wizard program with regard to all communication. Thereafter, the parties shall not e-mail, text, or telephone but shall post all communication exclusively on Our Family Wizard.

The parties shall be allowed to communicate by telephone only in matters of emergency

regarding the child that must be acted upon in less than 24 hours. In case of such an emergency, the subject and general content of such communication shall be memorialized in a Moment entry in the Our Family Wizard Journal.**IT IS ORDERED** that MARK MALDONADO and MOLLY L. WILKERSON each shall timely post all significant information concerning the health, education, and welfare of the children, including but not limited to the children's medical appointments, the children's schedules and activities, and requests for reimbursement of uninsured health-care expenses, on the Our Family Wizard website. However, **IT IS ORDERED** that neither party shall have any obligation to post on that website any information to which the other party already has access through other means, such as information available on the websites of the children's schools.

IT IS FURTHER ORDERED that MARK MALDONADO and MOLLY L. WILKERSON shall each timely post on the Our Family Wizard website a copy of any e-mail received by the party from the children's schools or any health-care provider of the children, in the event that e-mail was not also forwarded by the schools or health-care provider to the other party.

For purposes of this section of this order, "timely" means on learning of the event or activity, or if not immediately feasible under the circumstances, not later than twenty-four hours after learning of the event or activity.

By both parties' written agreement, the parties may communicate in any manner other than using the Our Family Wizard program, but other methods of communication used by the parties shall be in addition to, and not in lieu of, using the Our Family Wizard program.

Injunctive Relief

The Court finds that, because of the conduct of MOLLY L. WILKERSON, a permanent injunction against her should be granted as appropriate relief because there is no adequate remedy

at law.

The permanent injunction granted below shall be effective immediately and shall be binding on MOLLY L. WILKERSON; on her agents, servants, employees, and attorneys; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise.

IT IS ORDERED that MOLLY L. WILKERSON is permanently enjoined from:

- 1) Directly or indirectly through others removing, or attempting to remove the children from Collin County, Texas for any reason without MARK MALDONADO'S prior written approval;
- 2) consuming alcohol or illegal drugs within the eight (8) hours before or during any period of possession of or access to the children;
- 3) using any prescription drug for which she does not have a valid prescription or in excess of prescribed amounts within the 24 hours before or during any period of or access to the children;
- 4) using foul, coarse, profane, or otherwise disparaging language regarding MARK MALDONADO or his family in the presence of the children or in the auditory or visual range of the children;
- 5) removing any personal property from MARK MALDONADO, his family members, or from either child without MARK MALDONADO'S prior written approval;
- 6) entering real property owned by MARK MALDONADO or his family members, directly or indirectly, without MARK MALDONADO'S prior written approval, except for the purposes of authorized drop off and pick up of the children, but in that case only at the curb of the street and not on the property itself;
- 7) directly or indirectly through others canceling, changing, delaying, or interfering the

children's medical, dental, or counseling provider appointments for either or both children.

- 8) directly or indirectly through others making any medical, dental, or counseling appointments for either or both of the children unless requested to do so by MARK MALDONADO or by prior written approval of MARK MALDONADO;
- 9) scheduling extracurricular activities during any period of possession designated for MARK MALDONADO without his prior written approval;
- 10) coming within 250 feet from the school property where the children are enrolled or removing the children from the school property where the children are enrolled during any period of MARK MALDONADO's possession of the children;
- 11) coming to within 250 feet of Mark Maldonado's residence at 1800 Hondo Drive, Plano, Texas 75074 and/or any other residence of Mark Maldonado now or in the future;
- 12) Hiding or secreting the children from Mark Maldonado; and
- 13) Disturbing the peace of the children.

Order to Vacate Condominium Unit at 2500 E. Park Boulevard, Unit T-3, Plano, Texas 75074

IT IS ORDERED that Molly L. Wilkerson shall fully, finally, and completely vacate the condominium unit at 2500 E. Park Boulevard, Unit T-3, Plano, Texas 75074 on or before 4-1-2021, 2021 at 6:00 p.m. and failing to do so shall be a tenant at sufferance in that Property and subject to an action of forcible entry and detainer. Molly L. Wilkerson shall not remove any furnishings, furniture, fixtures, or other personal property from the condominium which belong to Mark Maldonado or either of his parents, or any such items which do not belong to Molly L. Wilkerson.

Required Information

The information required for each party by section 105.006(a) of the Texas Family Code is as follows:

Name: Mark Maldonado
Social Security number: xxx-xx-x837
Driver's license number: xxxxx758 Issuing state: Texas
Current residence address: 1800 Hondo Dr., Plano, Texas 75074
Mailing address: Same as above
Home telephone number: (972) 658-2877
Name of employer: Collin County College
Address of employment: 3452 Spur 399, McKinney, Texas 75069
Work telephone number: (972) 758-3822

Name: Molly Louise Wilkerson
Social Security number: xxx-xx-x399
Driver's license number: xxxxx257 Issuing state: Texas
Current residence address: 2500 E Park Blvd., T-3, Plano Texas 75073
Mailing address: Same as above
Home telephone number: (214) 636-4719
Name of employer: Lovejoy Independent School District
Address of employment: 259 Country Club Rd., Allen, Texas 75002
Work telephone number: (469) 742-8003

Required Notices

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY

NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

NOTICE TO THE STATE CASE REGISTRY as is required by the preceding section, any change of a party's residential address, mailing address, home telephone number, name of employer, address of employment, driver's license number, or work telephone number are to be reported by mail to the:

State Case Registry
Contract Services Section
MC 046S
P.O. Box 12017
Austin, TX 78711-2017

in addition to reporting the change(s) to the other parties and the Court.

Statutory Warnings

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD IF:

(1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR

(2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR \$100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

Attorneys' Fees

Save and except for the sanctions awarded in this case and described below, the attorneys' fees and costs associated with this case shall be borne by the parties who incurred them.

Sanctions Ordered

IT IS ORDERED that the Court hereby renders judgment on the sanctions awarded against MOLLY L. WILKERSON pursuant to its orders in this case. **IT IS THEREFORE ORDERED** that MARK MALDONADO is awarded a money judgment in the amount of Seven Thousand Three Hundred and no/100 dollars (\$7,300.00) against MOLLY L. WILKERSON, for sanctions awarded in this case, including for reasonable and necessary attorney's fees, with post-judgment interest calculated at five (5) percent per year compounded annually from the date the judgment is signed until paid, for which let execution issue.

Adoption/Incorporation by Reference of Informal Marriage Order

IT IS ORDERED that the Order Denying Informal Marriage signed on January 27, 2021 by this Court is hereby adopted by this Order and incorporated herein as if set forth verbatim.

Relief Not Granted

IT IS ORDERED, ADJUDGED, AND DECREED that all relief requested in this case and not expressly granted is denied. This is a final judgment, for which let execution and all writs and processes necessary to enforce this judgment issue. This judgment finally disposes of all claims and all parties and is appealable.

Date of Judgment

SIGNED on 3/3/2021, 2021.



JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

/s/ George A. (Tony) Maller

GEORGE A. (TONY) MALLERS

Texas Bar No. 12861500

tmallers@cowlesthompson.com

CLAIRE E. JAMES

Texas Bar No. 24083240

cjames@cowlesthompson.com

GRACEN M. DANIEL

Texas Bar No. 24116248

gdaniel@cowlesthompson.com

COWLES & THOMPSON, P.C.

4965 Preston Park Boulevard, Suite 320

Plano, Texas 75093

Tel: (214) 672-2133

Fax: (214) 672-2333

ATTORNEYS FOR PETITIONER

MARK MALDONADO

APPROVED AS TO FORM ONLY:

MOLLY L. WILKERSON

2500 E. Park Boulevard

Plano, Texas 75074

E-mail: missmolly2020@aol.com

Tel: (214) 636-4719

PRO SE RESPONDENT

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Trechelle Andersen on behalf of Claire James
Bar No. 24083240
tandersen@cowlesthompson.com
Envelope ID: 50738473
Status as of 3/4/2021 8:12 AM CST

Associated Case Party: Mark Maldonado

Name	BarNumber	Email	TimestampSubmitted	Status
George Mallers		tmallers@cowlesthompson.com	2/20/2021 11:48:02 AM	SENT
Trechelle Andersen		tandersen@cowlesthompson.com	2/20/2021 11:48:02 AM	SENT
Claire E.James		cjames@cowlesthompson.com	2/20/2021 11:48:02 AM	SENT
Gracen Daniel		gdaniel@cowlesthompson.com	2/20/2021 11:48:02 AM	SENT
Rita Paredes		rparedes@cowlesthompson.com	2/20/2021 11:48:02 AM	SENT

Associated Case Party: MollyL.Wilkerson

Name	BarNumber	Email	TimestampSubmitted	Status
Molly Wilkerson		missmolly2020@aol.com	2/20/2021 11:48:02 AM	SENT



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REPORTER'S RECORD
VOLUME 1 OF 1 VOLUME
TRIAL COURT CAUSE NUMBER 366-50778-2021
MARK MALDONADO) IN THE DISTRICT COURT
V) 366TH JUDICIAL DISTRICT
MOLLY WILKERSON) COLLIN COUNTY, TEXAS

COURT'S RULINGS/AMENDED MOTIONS

On the 3rd day of March, 2021, the following proceedings came on to be heard in the above-entitled and -numbered cause before the Honorable Tom Nowak, Judge presiding, held remotely via Zoom in accordance with the Supreme Court of Texas' First Emergency Order Regarding the COVID-19 State of Disaster, Section 2.

Proceedings reported by Computerized Stenographic Method.

A P P E A R A N C E S

MR. GEORGE A. "TONY" MALLERS
SBOT NO. 12861500
MS. CLAIRE E. JAMES
SBOT NO. 24083240
MS. GRACEN M. DANIEL
SBOT NO. 24116248
Cowles & Thompson, PC
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ATTORNEYS FOR THE PETITIONER

MS. MOLLY WILKERSON
218 Castleridge Drive
Little Elm, Texas 75068
214.636.4719
missmolly2020@aol.com

APPEARING PRO SE

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I N D E X		
VOLUME 1		
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P R O C E E D I N G S

(Open court, via YouTube, parties appearing
via Zoom.)

THE COURT: All right. The Court finds
that family violence did occur. That family violence is
likely to occur. Ms. Wilkerson will -- or Mr. Maldonado
will have an protective order issued against
Ms. Wilkerson.

The protective order will extend to him not
the children, however, the Respondent will be prohibited
from going to -- again, any location where Mr. Maldonado
resides with the children, the children's school, and
all of the other requested relief as set out in the
protective order. This will be in effect for two years.

All right. Let me call again Cause Number
366-53554-2020 styled In the Matter of the Marriage of
Molly Wilkerson and Mark Maldonado and In Interest of
the Children of the Marriage.

All right. A number of motions and
requests that were filed in this case, specifically, we
were set today for a motion to enter. The Court entered
final -- or the Court requested the parties to
communicate and to submit a final order. I believe I
asked the Father's attorneys to put that together and to
propose that to the Court. That was done. My

05:45PM 1 understanding is the parties were not able to reach an
05:45PM 2 agreement in regards to that. There were a number of
05:45PM 3 things that were filed. Let's go back through and make
05:45PM 4 sure I cover some of these.

05:46PM 5 All right. There was a Motion for Interim
05:46PM 6 Visitation Pending Final Order Entry. That's denied.

05:46PM 7 Motion for Finding of Fact and Conclusions
05:46PM 8 of Law Regarding Suit Affecting Parent-Child
05:46PM 9 Relationship. That's denied at this point in time with
05:46PM 10 regard to the pending order.

05:46PM 11 There was a Motion to Strike the Request
05:46PM 12 for Recusal. I'm not sure necessarily what that is
05:46PM 13 but any request with relief in regard to that will be
05:46PM 14 denied.

05:46PM 15 All right. There was a Motion to Strike
05:46PM 16 Amended Trial Exhibits, the Motion to Set Aside
05:46PM 17 Judgment. That will be also be denied. I guess a
05:46PM 18 Motion for New Trial.

05:46PM 19 All right. There was a motion in regards
05:46PM 20 to Strike Molly Wilkerson's Motion for Finding of Fact
05:50PM 21 and Conclusions of Law, that will -- thank you. All
05:50PM 22 right. Thank you.

05:50PM 23 (Pause in proceedings.)

05:50PM 24 MS. WILKERSON: I'm so sorry.

05:50PM 25 THE COURT: All right. Thank you.

05:50PM 1 All right. The last ruling before we went
05:50PM 2 off the record was that the Court was going to deny the
05:51PM 3 Petitioner's Motion to Strike, Motion to Set Aside
05:51PM 4 Judgment, and a Motion for New Trial.

05:51PM 5 The Court is going to grant the
05:51PM 6 Respondent's Motion to Strike, the Motion for Finding of
05:51PM 7 Fact and Conclusion of Law as submitted upon the Court.

05:51PM 8 And then we'll take up the amended motion
05:51PM 9 in regards to the Motion to Enter and Motion to Clarify
05:51PM 10 in regard to the ruling.

05:51PM 11 MS. WILKERSON: Your Honor, if I may. I'm
05:51PM 12 sorry.

05:51PM 13 THE COURT: Yes, ma'am.

05:51PM 14 MS. WILKERSON: I went -- I went over the
05:51PM 15 orders that you rendered with a fine-tooth comb on some
05:51PM 16 that I submitted -- that my proposed final orders. That
05:51PM 17 I think that you would be happy with looking at because
05:51PM 18 it actually tracks what you wanted and not -- is not
05:51PM 19 biased on either parties' behalf so.

05:52PM 20 THE COURT: Okay. I don't understand what
05:52PM 21 you're asking me, ma'am.

05:52PM 22 MS. WILKERSON: I have orders on file that
05:52PM 23 I think that you would find acceptable that is what you
05:52PM 24 wanted.

05:52PM 25 THE COURT: You filed proposed orders?

05:52PM 1 MS. WILKERSON: Yes, Your Honor.

05:52PM 2 THE COURT: When did you do that?

05:52PM 3 MS. WILKERSON: Well, I tried to a couple

05:52PM 4 days ago but it kicked it back. But it went through

05:52PM 5 yesterday and it should say "final." I can forward it

05:52PM 6 to you.

05:52PM 7 MS. JAMES: Your Honor, just for the

05:52PM 8 purposes of the record, we have to object to that order

05:52PM 9 since it was not timely. We haven't had time to read

05:53PM 10 through that entire order that was just filed.

05:53PM 11 THE COURT: Well, I don't even have it. I

05:53PM 12 don't even see it. So at this point in time --

05:53PM 13 MS. WILKERSON: I e-mailed it to you, but

05:53PM 14 it's okay.

05:53PM 15 THE COURT: You e-mailed it to directly to

05:53PM 16 me?

05:53PM 17 MS. WILKERSON: 366, Your Honor, the

05:53PM 18 evidence e-mail.

05:54PM 19 THE COURT: So you did not file it with the

05:54PM 20 clerks?

05:54PM 21 MS. WILKERSON: I did file it.

05:54PM 22 THE COURT: I just want to make sure that

05:54PM 23 it's on file.

05:54PM 24 MS. WILKERSON: Yes, Your Honor. And I

05:54PM 25 noticed it.

05:54PM 1 THE COURT: Do you know if it's been
05:54PM 2 accepted?

05:54PM 3 MS. WILKERSON: I'm not sure, Your Honor,
05:54PM 4 I'll check.

05:54PM 5 THE COURT: All right. Well, either way at
05:54PM 6 this point in time we're going to take up the amended
05:54PM 7 motions filed by the Petitioners in this case -- excuse
05:54PM 8 me -- the Respondents in this case.

05:54PM 9 All right. Mr. Mallers, or is it -- who's
05:54PM 10 going to be -- Ms. James, are you be presenting this?

05:54PM 11 MS. JAMES: Yes, Your Honor. Yes, Your
05:54PM 12 Honor. Thank you.

05:54PM 13 THE COURT: All right. Ms. James.

05:54PM 14 MS. JAMES: Your Honor, the reason that we
05:54PM 15 have -- we amended this motion was because we believe
05:54PM 16 that the family violence protective order that the Court
05:55PM 17 just granted prohibits or prevents the Court from
05:55PM 18 ordering that the parties are joint managing
05:55PM 19 conservators.

05:55PM 20 First, I'd ask the Court to take judicial
05:55PM 21 notice of the testimony that was heard today in Cause
05:55PM 22 Number 366-50778-2021, as well as the order that the
05:55PM 23 Court rendered.

05:55PM 24 THE COURT: The Court will do so.

05:55PM 25 MS. JAMES: Your Honor, under Section

05:55PM 1 153.004 (b) of the Texas Family Code, I believe that
05:55PM 2 when there is a finding of family violence while the
05:55PM 3 suit is pending or within the two years prior to the
05:55PM 4 suit, the Court must not order that the parties are
05:55PM 5 joint managing conservators. Therefore, we, number one
05:55PM 6 ask that Mr. Maldonado be appointed sole managing
05:55PM 7 conservator and that there be a family violence finding
05:55PM 8 contained in the order. As the Court is aware, you
05:55PM 9 would still have plenary power over the case and we
05:55PM 10 don't have a signed judgment.

05:55PM 11 Number two, Your Honor, we're requesting
05:55PM 12 the Court to limit the rights and duties of
05:56PM 13 Ms. Wilkerson based on things that have taken place.
05:56PM 14 For example, coming to school to try to and take the
05:56PM 15 children when Mr. Maldonado is dropping them off, or
05:56PM 16 showing up at Mr. Maldonado's house after trial trying
05:56PM 17 to talk to the kids over the fence after trial. So on
05:56PM 18 and so forth.

05:56PM 19 We believe those rights and duties should
05:56PM 20 be limited because it's in the best interest of the
05:56PM 21 children that she be prevented from doing some of these
05:56PM 22 things that we're talking about.

05:56PM 23 Number three, Judge, we're requesting the
05:56PM 24 Court to change the possession order that you had
05:56PM 25 discussed after trial because the family violence

05:56PM 1 protective order in place -- or the EPOs, as we've been
05:56PM 2 calling them, from Richardson -- or actually -- there's
05:56PM 3 actually three of them, Judge. There's one regarding
05:56PM 4 Mr. Maldonado, there's one regarding [REDACTED],
05:56PM 5 and there's one regarding [REDACTED]. And they
05:56PM 6 prohibit Ms. Wilkerson from having unsupervised
05:57PM 7 possession at this time. The proposed order that I
05:57PM 8 believe the Court granted most of -- also prohibits
05:57PM 9 unsupervised possession.

05:57PM 10 We believe that unless there's a
05:57PM 11 professional supervision center involved that
05:57PM 12 Ms. Wilkerson cannot be controlled as evidenced by her
05:57PM 13 brother's inabilities to prevent her from committing
05:57PM 14 felony family violence on his watch. While we're not
05:57PM 15 asking the Court to suspend possession indefinitely, I
05:57PM 16 think the Court is well within it's discretion to do so.
05:57PM 17 What we're requesting is weekly visits at Hannah's House
05:57PM 18 for three hours a visit.

05:57PM 19 Judge, we think this is enough time for
05:57PM 20 Ms. Wilkerson to have some time with the kids, for them
05:57PM 21 to continue to have a bond, but it prevents her from
05:57PM 22 placing the children's lives -- from committing crimes
05:57PM 23 in front of them, taking them to steal things from Dad,
05:57PM 24 threatening to kill Dad, showing up and trying to take
05:57PM 25 them from the school, putting nude photos of the

05:58PM 1 children on the Court's website without identifying as
05:58PM 2 sensitive data. That there's been a number of
05:58PM 3 occurrences like that that have happened just since
05:58PM 4 trial, Judge.

05:58PM 5 We also believe that the Court's previous
05:58PM 6 order wherein Mr. Wilkerson would be supervising
05:58PM 7 possession will not work, Judge, because Mr. Wilkerson
05:58PM 8 has demonstrated that despite the fact that he knew the
05:58PM 9 orders suspending possession was in place, he still was
05:58PM 10 trying to facilitate possession by Ms. Wilkerson.

05:58PM 11 I would request -- if the Court will allow
05:58PM 12 Ms. Daniel to share her screen -- Exhibit 6, I believe
05:58PM 13 it is. It's an e-mail correspondence between
05:58PM 14 Mr. Mallers and Mr. Wilkerson basically where he's
05:58PM 15 requesting possession -- or that Molly, Ms. Wilkerson,
05:58PM 16 have possession after the protective -- the ex parte
05:58PM 17 protective order was granted acknowledging that he knew
05:58PM 18 the order was in place and still pushing for possession.

05:59PM 19 So we have concerns that -- I think
05:59PM 20 Mr. Wilkerson means well. I think he loves his sister.
05:59PM 21 And I think that he's torn to trying to do the right
05:59PM 22 thing, but I don't think that he's capable of
05:59PM 23 supervising possession such that it prevents these kinds
05:59PM 24 of things from taking place.

05:59PM 25 Would the Court like to see that e-mail,

05:59PM 1 Judge?

05:59PM 2 THE COURT: No, not at this time.

05:59PM 3 MS. JAMES: Judge, we're also requesting a
05:59PM 4 psychological evaluation. I think the Court's within
05:59PM 5 it's discretion to order that based on what we're
05:59PM 6 hearing here today.

05:59PM 7 The next thing that we're requesting,
05:59PM 8 Judge, is Soberlink. Because as the Court heard today,
05:59PM 9 there's testimony that she was drinking alcohol, which I
05:59PM 10 believe is -- the Court has enjoined her from drinking
05:59PM 11 alcohol with the children present, which she was doing.

05:59PM 12 Our client has longed believed that alcohol
05:59PM 13 has been, you know, a big part of the issue. And we
05:59PM 14 don't think there's any way of really preventing that
06:00PM 15 unless Soberlink is employed at least prior to and
06:00PM 16 during possession periods.

06:00PM 17 In the alternative or additionally, Judge,
06:00PM 18 we would request that the UAs be random. That the Court
06:00PM 19 has ordered, I believe, that Ms. Wilkerson do drug
06:00PM 20 testing on the 1st and 15th of every month. Notably,
06:00PM 21 Judge, we received the initial drug test right after
06:00PM 22 trial. We have not received another one since and it's
06:00PM 23 been over a month now.

06:00PM 24 Because she can predict the 1st and 15th,
06:00PM 25 Judge, I think random will allow, you know, prevent her

06:00PM 1 from being able to, you know, stop using drugs or stop
06:00PM 2 taking prescriptions that are not prescribed to her in
06:00PM 3 enough time to have a clean drug test. We would ask
06:00PM 4 randoms to prevent that.

06:00PM 5 Finally, Your Honor, we're asking for the
06:00PM 6 Court to clarify its rulings regarding anger management.
06:00PM 7 There was a dispute because Ms. Wilkerson signed up for
06:00PM 8 an anger management program that was -- it was listed on
06:00PM 9 one of Collin County's list of providers but not on the
06:01PM 10 anger management list. So we just were requesting
06:01PM 11 clarification that she actually has to do anger
06:01PM 12 management through one of the providers on Collin County
06:01PM 13 probation department's list of anger management
06:01PM 14 providers specifically.

06:01PM 15 And, finally, with respect to
06:01PM 16 Ms. Wilkerson's claims that she's met all of the
06:01PM 17 conditions precedent to having possession. Our
06:01PM 18 understanding was we -- that she had to provide some
06:01PM 19 sort of documentation that she actually scheduled
06:01PM 20 counseling. And what we have received is just an e-mail
06:01PM 21 where she's requesting counseling but there's no
06:01PM 22 appointment made. So we're requesting the Court to
06:01PM 23 clarify its ruling and to let us know whether the Court
06:01PM 24 had ordered that she must show an appointment scheduled
06:01PM 25 in order to meet that condition.

06:01PM 1 Your Honor, the reason that we're asking
06:01PM 2 these, we think that the Court must not grant -- or must
06:01PM 3 not appoint the parties joint managing conservators now
06:02PM 4 that there's a family violence finding during the
06:02PM 5 pendency of the case. And we believe that what the
06:02PM 6 Court has heard today also makes the possession schedule
06:02PM 7 that was initially discussed or that you initially
06:02PM 8 ordered after trial unworkable and potentially
06:02PM 9 detrimental to the children.

06:02PM 10 THE COURT: Thank you.

06:02PM 11 Ms. Wilkerson.

06:02PM 12 MS. WILKERSON: Your Honor, I -- like I
06:02PM 13 said in my brief I filed, yes, there should be a
06:02PM 14 consideration in regards to protective orders. But
06:02PM 15 actually, according to the law, I mean, this is -- this
06:02PM 16 is basically their attempt at a second bite at the
06:02PM 17 apple. I mean, at the same -- in the same day, in the
06:02PM 18 same setting. But it's up to you whether you are
06:02PM 19 compelled to modify an order in such a circumstance.
06:03PM 20 It's 100 percent up to the trial court and there's no
06:03PM 21 law saying that we can't be appointed joint managing
06:03PM 22 conservators.

06:03PM 23 As far as all of the allegations, I -- I
06:03PM 24 just don't even know where to start half the time when
06:03PM 25 I'm on these Zoom things because I've been -- I just

06:03PM 1 submitted my drug test yesterday. So maybe
06:03PM 2 clarification on that will help too. Do you want it
06:03PM 3 taken on the 1st and 15th? Because I took it early in
06:03PM 4 February before the 15th so that I could see my kids as
06:03PM 5 soon as possible. So it hasn't necessarily been a
06:03PM 6 month. But I took my other drug test on the 1st. So do
06:03PM 7 we want it by the 1st or do we want it on the 1st and
06:03PM 8 the 15th?

06:03PM 9 As far as the allegations that she's
06:03PM 10 throwing out, there's been nothing to support that at
06:03PM 11 all. They paint this picture of everything going on and
06:04PM 12 continue to keep me from the kids. And I think that the
06:04PM 13 restrictions you had in place were -- (audio disruption)
06:04PM 14 according to the picture they had painted. But I don't
06:04PM 15 think that they're necessary, one, and I don't actually
06:04PM 16 think it's legal to just throw out an appeal when we're
06:04PM 17 not looking -- we're looking at modifying a SAPCR?
06:04PM 18 We're -- we're not looking at modifying. They don't
06:04PM 19 have any motion on file to modify.

06:04PM 20 And according to other law that I have
06:04PM 21 researched, an EP0 and appeal are not appropriate for
06:04PM 22 changing conservatorship. Like I said, there's no suit
06:04PM 23 for modification even on file.

06:04PM 24 And it is in the best interest for parents
06:04PM 25 to both be a part of their children's lives. And if

06:05PM 1 there's any problem that's been going on is the fact
06:05PM 2 that he's tried to keep me from being a part of their
06:05PM 3 lives. Like, he's -- the entire pendency of this case,
06:05PM 4 he has been restricting my possession and access.

06:05PM 5 So I don't think that Hannah's House and
06:05PM 6 all these other things that they are saying are true.
06:05PM 7 I'm not on drugs. I'm trying to move. I'm trying to
06:05PM 8 start my life over again after 14 years.

06:05PM 9 I have a sexual assault case pending
06:05PM 10 against him. I have my own POs that I've filed. But
06:05PM 11 I'm trying to represent myself against him and three
06:05PM 12 attorneys. I'm trying to start my life over. And I
06:05PM 13 think that the provisions you had in place, while harsh,
06:05PM 14 are enough to keep the kids -- I mean, the kids are
06:05PM 15 safe. But to allow him to have some kind of piece of
06:05PM 16 mind. Sorry.

06:06PM 17 THE COURT: Is that all?

06:06PM 18 MS. WILKERSON: Yes, sir.

06:06PM 19 THE COURT: Thank you.

06:06PM 20 MS. JAMES: Judge, if I can respond just
06:06PM 21 very briefly?

06:06PM 22 THE COURT: Okay.

06:06PM 23 MS. JAMES: You hear Ms. Wilkerson talking
06:06PM 24 a lot about how she feels, about how she misses the
06:06PM 25 children, about how she needs the children. We don't

06:06PM 1 hear much about what the children need.

06:06PM 2 You saw the videos, Judge. Very
06:06PM 3 disturbing. A little girl's face while Mommy is doing
06:06PM 4 these things. And we hear a party who doesn't seem to
06:06PM 5 take any personal responsibility for that. Who blames
06:06PM 6 all if it on Mr. Maldonado. Who doesn't seem to see how
06:06PM 7 that affects the children. And that's exactly why we're
06:06PM 8 requesting the relief we're requesting. Not because we
06:07PM 9 want to punish, but because these kinds of behaviors are
06:07PM 10 not good for kids, Judge.

06:07PM 11 It's not good for kids for Mommy to say,
06:07PM 12 "I'm going to f'ing kill Daddy." Not good for kids for
06:07PM 13 Mom to show up and try to take them away from school.
06:07PM 14 It's not good for kids for Mommy to jump on Daddy's back
06:07PM 15 and try to strangle him on the little girl's birthday.

06:07PM 16 Judge, it's disturbing. I'm sure it's
06:07PM 17 disturbing to you. We know this case has tested the
06:07PM 18 Court's patience. I think if we don't have an order
06:07PM 19 that severely restricts her access to these kids, we're
06:07PM 20 going to be in and out of this courtroom indefinitely in
06:07PM 21 order to try to keep them safe, in order to try and do
06:07PM 22 what's in their best interest. That's why we're asking
06:07PM 23 the Court to enter the order that we filed, Judge.

06:07PM 24 MS. WILKERSON: May I, Your Honor?

06:07PM 25 THE COURT: Briefly.

06:07PM 1 MS. WILKERSON: Like I said, I think that
06:07PM 2 Your Honor's previously rendered order is pretty
06:07PM 3 restrictive and it should give them piece of mind. And
06:08PM 4 I think that the -- I think it's sufficient to protect
06:08PM 5 the children and it's in their best interest to have a
06:08PM 6 relationship with me.

06:08PM 7 I raised -- I raised them for the better
06:08PM 8 part of their lives by myself. So, yes, while my -- my
06:08PM 9 reactions to being separated from them for a couple of
06:08PM 10 months are strong, I'm a mom. Like, I'm a -- I don't
06:08PM 11 know if any of y'all have ever had to be separated from
06:08PM 12 your children.

06:08PM 13 And I am concerned about them. In
06:08PM 14 particular -- both of them really. My son reacts
06:08PM 15 differently. He's -- he's young. I think there's a
06:08PM 16 certain level of confusion and abandonment that he feels
06:08PM 17 and he just doesn't understand it.

06:08PM 18 My daughter understands it on a different
06:09PM 19 level. She was previously diagnosed with autism and I
06:09PM 20 was her person. Like, for the first two years of her
06:09PM 21 life, she would not let anyone else hold her or be with
06:09PM 22 her. She would scream if even her father tried to hold
06:09PM 23 her. She -- we are just -- I'm very closely bonded to
06:09PM 24 my children.

06:09PM 25 I can show you pictures. I've got about

06:09PM 1 five over the last year that we've been rebuilding our
06:09PM 2 lives as a triad. I can show you our Easter. I can
06:09PM 3 show you our summer. I like to do adventures with them.

06:09PM 4 Over Christmas we went to Great Wolf Lodge
06:09PM 5 for a day and saw Santa and swam and played in the pool.
06:09PM 6 Over spring break I took them to Dinosaur World.

06:09PM 7 Easter I invited Mark over because I had
06:09PM 8 them that morning. There wasn't an order yet. And I
06:09PM 9 let him take them -- he got to do the Easter baskets
06:09PM 10 with me and then I took them to his house for the egg
06:09PM 11 hunt. And then in May, when we were not being amicable
06:09PM 12 at all, I still allowed him to take part in their field
06:10PM 13 day and it was my day.

06:10PM 14 Like, I am trying to set up a life that me
06:10PM 15 and Mark could be amicable. And I know that we can't do
06:10PM 16 that at this point, but I've tried, Your Honor.

06:10PM 17 And I think that all of those things -- if
06:10PM 18 you want to see the pictures -- like, I'm not a danger
06:10PM 19 to them. I just -- I miss them. And I know they miss
06:10PM 20 me and I know they're confused. And I think that it
06:10PM 21 will just be sufficient so -- I have a room set up at my
06:10PM 22 brother's house for myself and them why we transition
06:10PM 23 and I've moved my life. I'm moving out of the condo
06:10PM 24 as -- as was requested. I'm starting over after
06:10PM 25 14 years and I'm doing it for them. I'm the one that

06:10PM 1 left him. I took them out of that volatile situation
06:10PM 2 because it was volatile. It is not good for them for me
06:10PM 3 and him to be together even after he tried to insist
06:10PM 4 that we still remain together. And that's just not good
06:11PM 5 for them. I agree.

06:11PM 6 So I think your orders are sufficient to
06:11PM 7 keep -- to keep them safe. And at their ages, they need
06:11PM 8 their mother. They...

06:11PM 9 THE COURT: Is that all?

06:11PM 10 MS. WILKERSON: Yes, Your Honor.

06:11PM 11 THE COURT: Ms. James, did you submit the
06:11PM 12 proposed order separately, apart from the motion or is
06:11PM 13 it included as an attachment to the motion?

06:11PM 14 MS. JAMES: Judge, I believe that it was
06:11PM 15 e-filed separately pursuant to the Local Rule, and then
06:11PM 16 it was also attached. If you like, I can try and find
06:11PM 17 the date it was filed on its own.

06:11PM 18 THE COURT: You have to give me a second.
06:11PM 19 (Pause in proceedings.)

06:17PM 20 MS. JAMES: Judge, I don't know if this is
06:17PM 21 helpful, but it was e-filed on the 20th of February.

06:17PM 22 THE COURT: Okay. Thank you. It is
06:17PM 23 helpful. All right.

06:17PM 24 As I'm sure it's obvious from anybody
06:17PM 25 watching me in regards to this case, this has been a

06:17PM 1 trying and difficult case mainly because of the
06:17PM 2 inability of the parties involved to look out what's in
06:17PM 3 the best interest of their children.

06:17PM 4 I find it, in some respects, ridiculous
06:17PM 5 that we are even attempting to have a joint birthday
06:17PM 6 party with this child and that both parents let
06:17PM 7 themselves get in a position to where now for the rest
06:18PM 8 of her life this girl will remember her parents fighting
06:18PM 9 on her eighth birthday party. And it kills me as a
06:18PM 10 father to think that that could ever occur to somebody
06:18PM 11 that that is a good idea. That you would go to a
06:18PM 12 location and have that occur.

06:18PM 13 Ms. Wilkerson, from the moment we began
06:18PM 14 this case, you have defied the Court's orders on so many
06:18PM 15 occasions it's not even in my realm to sit here and
06:18PM 16 recollect every single one. Okay?

06:18PM 17 I've seen e-mails where you sit and
06:18PM 18 disparage the children's father calling him a monster to
06:18PM 19 people in violation of the Court's order and the
06:18PM 20 standing orders of Collin County.

06:18PM 21 You have multiple times violated this
06:18PM 22 Court's order in regards to not being around the
06:18PM 23 children because you think its been long enough. And
06:18PM 24 that is certainly not the case. And the reason why you
06:18PM 25 do not get to see the children is because you cannot

06:18PM 1 follow simple directions as also evidenced by the fact
06:19PM 2 that you would continually e-mail me directly in this
06:19PM 3 court after I instructed you not to do so. Multiple
06:19PM 4 times. So recently as in just a few weeks ago when you
06:19PM 5 were sending me direct mail through the e-mail in
06:19PM 6 regards to this, things that you were wanting and
06:19PM 7 expecting in this case. I have told you multiple times.
06:19PM 8 And if the idea that I took your ability to
06:19PM 9 see the kids away the last time you went up to the
06:19PM 10 school and tried to get them, didn't register -- I don't
06:19PM 11 understand at this point how after trial, after the
06:19PM 12 point in time where I was going to grant you all of the
06:19PM 13 things that you were necessarily looking for, which is
06:19PM 14 joint managing conservatorship of these children, you
06:19PM 15 decided it was a good idea for you to go the school in
06:19PM 16 violation of this Court's direct order as though you
06:19PM 17 didn't know what it was for or that you just wanted to
06:19PM 18 see the children and you didn't know what it was going
06:19PM 19 to result in.
06:19PM 20 Mr. Maldonado is the not blameless in any
06:19PM 21 of this. Okay? He put himself in a lot of these
06:19PM 22 positions that he doesn't need to be. But at least he
06:20PM 23 knows at this point in time, or his three lawyers at
06:20PM 24 this point in time have counseled him well enough to
06:20PM 25 keep his mouth shut and not do the things that he needs

06:20PM 1 to do that's going to ruin his case.

06:20PM 2 You, on the other hand, have not done that.

06:20PM 3 You have done everything possible to violate these

06:20PM 4 Court's orders and do the things that are not necessary

06:20PM 5 so that you, no one else but you, ruin that relationship

06:20PM 6 with your children. And they are in a worse place

06:20PM 7 because of actions that you have had. And the fact that

06:20PM 8 you were charged with a felony offense while this

06:20PM 9 Court's order was pending is a ridiculous and just

06:20PM 10 hurtful thing to your children.

06:20PM 11 And all it does is make me angry. And I

06:20PM 12 don't know if you saw my reaction when I saw the video

06:20PM 13 of you appearing at the school, but that just pissed me

06:20PM 14 off because you cannot seem to follow instructions. You

06:20PM 15 think you get a pass because you're a mom. That is not

06:20PM 16 the case. You think you get a case because it's been a

06:20PM 17 long time since you saw the kids. And that is not the

06:20PM 18 case.

06:21PM 19 Because when two people who are adults and

06:21PM 20 are expected to act like adults cannot agree, we have

06:21PM 21 courts for that reason. And if I have to treat somebody

06:21PM 22 like a five-year-old, then that's what I'm going to do.

06:21PM 23 Again, Mr. Maldonado is not blameless.

06:21PM 24 This has been ongoing long enough and both of y'all

06:21PM 25 should have known better.

06:21PM 1 And I'm not a person who's in favor of
06:21PM 2 divorces or families getting separated, but when things
06:21PM 3 don't work, they don't work and y'all need to work on
06:21PM 4 it. And, clearly, y'all have not.

06:21PM 5 So in regards to this order and this final
06:21PM 6 order from this Court, I am granting Mr. Maldonado's
06:21PM 7 request in regards to the sole managing conservatorship
06:21PM 8 of the children. The only thing I am striking from this
06:21PM 9 provision is the requirement for Soberlink or the
06:21PM 10 requirement for a successful, I guess, what was deemed a
06:21PM 11 successful alcohol evaluation as we have already deemed
06:21PM 12 or had that occur. Everything else that is included in
06:21PM 13 that with regard to -- except the, again, Soberlink
06:22PM 14 requirement, everything is made a final order of this
06:22PM 15 Court based on the evidence that was presented, the
06:22PM 16 argument of parties in regard to all of this.

06:22PM 17 The fact that we couldn't get through after
06:22PM 18 a final trial to this point without all of these things
06:22PM 19 happening is just a testament to how badly everybody
06:22PM 20 wanted to fight with each other as opposed to looking
06:22PM 21 out what's in the best interest of the children.

06:22PM 22 And, again, not thinking everybody here is
06:22PM 23 blameless, but what I will tell you is I will do what I
06:22PM 24 think in the best interest of these children and that is
06:22PM 25 at this point in time, Ms. Wilkerson, to have them

06:22PM 1 monitored while you are with them.

06:22PM 2 I have seen no evidence at this point in
06:22PM 3 time from Mr. Maldonado that that is required on his
06:22PM 4 part.

06:22PM 5 I have seen ample evidence at this point in
06:22PM 6 time from your position. Each single time you have
06:22PM 7 should have learned that things got worse because of
06:22PM 8 your actions. And the fact that you couldn't follow
06:22PM 9 these simple instructions is what's happening.

06:22PM 10 And so at this point in time, again, I am
06:22PM 11 signing this document with the regard to all of the
06:23PM 12 requested relief as it stand with the side of the things
06:23PM 13 that I already mentioned. And that will be the final
06:23PM 14 judgment of this court.

06:23PM 15 MS. JAMES: Judge, I do have one quick
06:23PM 16 question on that. The possession in the proposed order
06:23PM 17 begins effective when -- when the order is signed. But
06:23PM 18 I think that conflicts with the protective order that
06:23PM 19 was -- the two protective orders that the Richardson
06:23PM 20 Police Department got regarding the children. So I
06:23PM 21 don't know if the Court wants to clarify that that
06:23PM 22 possession will begin when those orders expire or how
06:23PM 23 the Court wishes --

06:23PM 24 THE COURT: This -- this order will not
06:23PM 25 conflict with those orders as they were issued in

06:23PM 1 regards to emergency protective order. So any
06:23PM 2 possession periods that begin or are required out of
06:23PM 3 this will begin at the end of that possession -- or
06:23PM 4 excuse me -- at the end of those orders.

06:23PM 5 MS. JAMES: Thank you, Judge.

06:24PM 6 THE COURT: All right. All of petitioner's
06:24PM 7 other requested relief is denied. Anything else that
06:24PM 8 was requested by the respondents at this point in time
06:24PM 9 is denied.

06:24PM 10 Everybody is, at this point in time,
06:24PM 11 excused. I thank you all for your time.

06:24PM 12 MS. JAMES: Thank you, Judge.

06:24PM 13 MR. MALLERS: Thank you, Your Honor.

14 (End of requested testimony.)

15 (End of proceedings at 6:24 p.m.)

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1 STATE OF TEXAS)

2 COUNTY OF COLLIN)

3 I, Antoinette M. Varela, Official Court
4 Reporter in and for 366th Judicial District Court of
5 Collin County, State of Texas, do hereby certify that
6 the above and foregoing contains a true and correct
7 transcription of all portions of evidence and other
8 proceedings requested in writing by counsel for the
9 parties to be included in this volume of the Reporter's
10 Record, in the above-styled and -numbered cause, all of
11 which occurred remotely, via Zoom, in accordance with
12 the Supreme Court of Texas' First Emergency Order
13 Regarding COVID-19 State of Disaster, Section 2, and
14 were reported to me.

15 I further certify that this Reporter's Record
16 of the proceedings truly and correctly reflects the
17 exhibits, if any, admitted by the respective parties.

18 I further certify that the total cost for the
19 preparation of this Reporter's Record is \$156.00 and was
20 paid/will be paid by Ms. Molly Wilkerson.

21 WITNESS MY OFFICIAL HAND this the 6th day of
22 June, 2021.

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/s/ A. Varela
ANTOINETTE M. VARELA
TX CSR 7590 Expires: July 31, 2022
Official Court Reporter
Russell A. Steindam Courts Building
2100 Bloomdale Road
Suite 30146
McKinney, Texas 75071
972.548.4572
avarela@co.collin.tx.us



**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

CAUSE NO. 366-50778-2021

MARK MALDONADO	§	IN THE DISTRICT COURT
	§	
AND	§	366th JUDICIAL DISTRICT
	§	
MOLLY L. WILKERSON	§	DALLAS COUNTY, TEXAS

FINAL PROTECTIVE ORDER

On March 3, 2021, the Court heard the Application of Mark Maldonado for a Protective Order.

Appearances

Applicant, Mark Maldonado (“Applicant”) appeared via Zoom and through attorney of record, George A. (Tony) Mallers, and announced ready.

Respondent, Molly L. Wilkerson (“Respondent”) appeared via Zoom pro se and announced ready.

Jurisdiction

The Court, after examining the record and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been satisfied and that this Court has jurisdiction over the parties and subject matter of this case.

Findings

The Court finds that Applicant and Respondent are separated. The Court finds [REDACTED] and [REDACTED] are the children of Applicant and Respondent.

The Court finds that family violence has occurred, and that family violence is likely to occur in the future. The Court finds that Respondent, Molly Wilkerson, has committed family

violence. The Court finds that the orders contained in this Final Protective Order are for the safety and welfare and in the best interest of Applicant and other members of the family and are necessary for the prevention of family violence.

Protected Person

In this order, "Protected Person" means Applicant, ~~minor child M [REDACTED] C [REDACTED]~~, ~~M [REDACTED], and/or minor child M [REDACTED] A [REDACTED] M [REDACTED]~~. TN

Orders

IT IS ORDERED that Respondent Molly L. Wilkerson is prohibited from:

1. Committing family violence, as described in section 71.004 of the Texas Family Code, against any Protected Person;
2. Doing any act that is intended to result in physical harm, bodily injury, assault, or sexual assault against any Protected Person;
3. Communicating or attempting to communicate in any manner with any Protected Person, unless such communication is through Applicant's attorney of record or an individual appointed by the Court;
4. Being within 250 yards of any Protected Person unless during a supervised possession period of the minor children;
5. Being within 250 yards of the following properties: Applicant's residence, located at 1800 Hondo Drive, Plano, Texas 75074; Applicant's workplace, located at 2800 East Spring Creek Parkway, Plano, Texas 75074; Applicant's property located at 1324 Lorraine Dr., Plano, Texas 75074; and Applicant's property located at 1332 Lorraine Dr., Plano, Texas 75074;
6. Being within 250 yards of Dooley Elementary School, 2425 San Gabriel Drive, Plano, Texas 75074;

7. Stalking, following, or engaging in conduct directed specifically to any Protected Person that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass her or him;

8. Possessing a firearm or ammunition unless Respondent is a peace officer, as defined by section 1.07 of the Texas Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision;

9. Possessing a license to carry a concealed handgun issued under subchapter H, chapter 411, of the Texas Government Code;

10. Consuming alcohol at any time to prevent or reduce the likelihood of family violence;

11. Removing [REDACTED] and [REDACTED] from the possession of Applicant; and

12. Having unsupervised possession of [REDACTED] or [REDACTED]

Battering Intervention and Prevention Program

IT IS ORDERED that Respondent commence and complete a Battering Intervention and Prevention Program (“BIPP”) accredited under article 42.141 of the Texas Code of Criminal Procedure within six (6) months from the date of this Order by contacting Hope’s Door New Beginnings Center (972-422-2911, extension -605 or any other accredited BIPP program in Collin County, Texas.

IT IS FURTHER ORDERED that Respondent file with the Court, before the sixtieth day after the date this order is rendered, an affidavit stating either that Respondent has started the program or that the program is not available within a reasonable distance of Respondent’s residence.

IT IS FURTHER ORDERED that, if Respondent files an affidavit that Respondent has started the program, Respondent shall file with the Court before the date this protective order expires (1) a statement that Respondent completed the program not later than the earlier of the thirtieth day before this protective order expires or the thirtieth day before the first anniversary of the date of this protective order is issued and (2) a letter, notice, or certificate from the program that verifies Respondent's completion of the program. If Respondent fails to provide the affidavit and, if required, the statement and verification of completion of the program as ordered, Respondent may be punished for contempt of court, as provided by section 21.002 of the Texas Government Code, by a fine not to exceed \$500, by confinement in jail for a term not to exceed six months, or by both.

Attorney's Fees

The Court finds that Molly L. Wilkerson should be assessed
\$8915 _____ as reasonable attorney's fees for the services of George A.
(Tony) Mallers and Cowles & Thompson P.C.

IT IS ORDERED that George A. (Tony) Mallers of Cowles & Thompson P.C. is awarded a judgment against Molly L. Wilkerson in the amount of \$8915 _____ for services provided through this judgment, plus postjudgment interest at the rate of five percent (5%), compounded annually, from the date this judgment is entered until all amounts are paid in full. George A. (Tony) Mallers of Cowles & Thompson P.C. may enforce this judgment in his own name.

Costs

IT IS ORDERED that Respondent, Molly L. Wilkerson, shall pay the standard protective order fee, the standard fee for cost of service of this order, the costs of court, and all other fees, charges, or expenses incurred in connection with this order.

IT IS THEREFORE ORDERED that Respondent shall pay the \$16.00 protective order fee to the clerk of this Court on or before the sixtieth (60th) day after this Final Protective Order is rendered at Russell A. Steindam Courts Building, 2100 Bloomdale Road, Suite 30146, McKinney, Texas 75071, by cash, cashier's check, or money order.

Forwarding Copies

IT IS ORDERED that the Clerk of the Court must forward copies of this Order and the attached information provided by Applicant's attorney pursuant to section 411.042(b)(6) of the Texas Government Code to the chief of police of the municipality of Plano, Texas. The Clerk must forward a copy of this Order to the chief of police, or sheriff and constable of Collin County, Texas, no later than the next business day after the date the Court issues this order.

IT IS ORDERED that a copy of this order shall be forwarded by the clerk of this Court to the following school in Plano Independent School District: [REDACTED]

[REDACTED]

Duration of Order

IT IS ORDERED that this Final Protective Order is effective immediately and will continue in full force and effect until exactly two (2) years from the date this Final Protective Order is signed.

Relief Not Granted

IT IS ORDERED that all relief requested in the Application for Protective Order but not expressly granted is denied.

Enforcement of Child Custody Provisions

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER

WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

WARNINGS:

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH.

NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.

IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, TEXAS PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS.

IT IS UNLAWFUL FOR ANY PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION. POSSESSION OF A FIREARM OR AMMUNITION, AS DEFINED IN 18 U.S.C. § 921, WHILE THIS PROTECTIVE ORDER IS IN EFFECT MAY BE A FELONY UNDER FEDERAL LAW PUNISHABLE BY UP TO TEN YEARS IN PRISON, A \$250,000 FINE, OR BOTH.

PURSUANT TO 18 U.S.C. § 925(A)(1), THE RESTRICTIONS ON POSSESSION OF FIREARMS OR AMMUNITION FOUND AT 18 U.S.C. § 922(G)(8), AND IMPOSED BY THIS PROTECTIVE ORDER, DO NOT APPLY TO FIREARMS OR AMMUNITION ISSUED BY THE UNITED STATES OR ANY DEPARTMENT OR AGENCY THEREOF OR ANY STATE OR ANY DEPARTMENT, AGENCY, OR POLITICAL SUBDIVISION THEREOF, WHICH RESPONDENT POSSESSES IN CONNECTION WITH THE DISCHARGE OF OFFICIAL

GOVERNMENT DUTIES. THE POSSESSION OF PRIVATELY-OWNED FIREARMS AND AMMUNITION, HOWEVER, REMAINS UNLAWFUL AND VIOLATES THE TERMS OF THIS PROTECTIVE ORDER.

IT IS UNLAWFUL FOR ANY PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER TO KNOWINGLY PURCHASE, RENT, LEASE, OR RECEIVE AS A LOAN OR GIFT FROM ANOTHER, A HANDGUN FOR THE DURATION OF THIS ORDER.

INTERSTATE VIOLATION OF THIS PROTECTIVE ORDER MAY SUBJECT RESPONDENT TO FEDERAL CRIMINAL PENALTIES. THIS PROTECTIVE ORDER IS ENFORCEABLE IN ALL FIFTY STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, AND U.S. TERRITORIES.

Date of Order

This Final Protective Order **JUDICIALLY PRONOUNCED AND RENDERED** in Court in Collin County, Texas, on March 3, 2021 and further noted on the Court's docket sheet on the same date.

SIGNED on March 3,, 2021 at _____. M.



JUDGE PRESIDING

[Party description information on following page]

Information Required by Texas Government Code Section 411.052(b)(6)

Information concerning Respondent, the person to whom the Final Protective Order is directed:

Name: Molly Louise Wilkerson

Home address: 2500 E. Park Blvd., Unit T-3, Plano, Texas 75073

Mobile telephone number: (214) 636-4719

Work address: Unemployed

Date of birth: 9/16/1983

Color of eyes: Hazel

Color of hair: Blonde

Height: 5'7"

Weight: 160

Sex: Female

Race: White

Personal descriptors: nose piercing, one tattoo on each foot

Social Security number: xxx-xx-x399

Driver's license or identification number and issuing state: Texas; DL# 17611257

Information about Applicant and his children:

Names: Applicant Mark Maldonado, Children: [REDACTED] and [REDACTED]
[REDACTED]

Address of Applicant's residence: [REDACTED]

Applicant's workplace: Collin College, 2800 East Spring Creek Parkway, Plano, Texas 75074

Locations of children's school: [REDACTED]
[REDACTED]

Applicant's other properties: 1324 and 1332 Lorraine Dr., Plano, Texas 75074

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Trechelle Andersen on behalf of George (Tony) Mallers
Bar No. 12861500
tandersen@cowlesthompson.com
Envelope ID: 51123882
Status as of 3/4/2021 3:20 PM CST

Associated Case Party: Mark Maldonado

Name	BarNumber	Email	TimestampSubmitted	Status
George Mallers		tmallers@cowlesthompson.com	3/3/2021 3:13:25 PM	SENT
Gracen Daniel		gdaniel@cowlesthompson.com	3/3/2021 3:13:25 PM	SENT
Trechelle Andersen		tandersen@cowlesthompson.com	3/3/2021 3:13:25 PM	SENT
Claire E.James		cjames@cowlesthompson.com	3/3/2021 3:13:25 PM	SENT

Associated Case Party: Molly Wilkerson

Name	BarNumber	Email	TimestampSubmitted	Status
Molly Wilkerson		missmolly2020@aol.com	3/3/2021 3:13:25 PM	SENT



CASE NO. 366-53554-2020

**IN THE MATTER OF
THE MARRIAGE OF**

**MOLLY L. WILKERSON
AND
MARK MALDONADO**

**AND IN THE INTEREST OF
M.C.M. AND M.A.M., CHILDREN**

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IN THE DISTRICT COURT

366th JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

Date of Hearing

On January 26, 2021 and 27, 2021, the Court heard this case.

Appearances

Petitioner MARK MALDONADO (“Petitioner”) appeared in person and through his attorneys of record, George A. (Tony) Mallers and Claire E. James, and announced ready for trial.

Respondent MOLLY L. WILKERSON (“Respondent”) appeared in person, *pro se*, and announced ready for trial.

Jurisdiction

The Court finds that it has jurisdiction of the case and of all the parties.

Jury

A jury was waived and questions of fact and of law were submitted to the Court.

Record

The record of testimony was duly reported by Antoinette Varela, the Court Reporter for the 366th Judicial District Court of Collin County, Texas. For part of the testimony on January 27, 2021, the testimony was duly reported by Kim Tinsley, the Court Reporter for the 401st Judicial District Court, sitting for Antoinette Varela.

Children

The Court finds that the following children are subject of this suit:

a) Name: [REDACTED]

Sex: Female

Birth date: [REDACTED]

County of Residence: Collin County, Texas

b) Name: [REDACTED]

Sex: Male

Birth date: [REDACTED]

County of Residence: Collin County, Texas

Parenting Plan

The Court finds that the provisions in these orders relating to the rights and duties of the parties with relation to the children, possession of and access to the children, child support, and optimizing the development of a close and continuing relationship between each party and the children constitute the parenting plan established by the Court.

Possession and Access

1. Possession Order (herein referred to as the "Standard Possession Order")

IT IS ORDERED that each conservator shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs this Standard Possession Order. IT IS, THEREFORE, ORDERED:

(a) Definitions

1. In this Standard Possession Order "school" means the primary or secondary school in which the child is enrolled or, if the child is not enrolled in a primary or secondary school, the public school district in which the child primarily resides.

2. In this Standard Possession Order "child" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

(b) Mutual Agreement or Specified Terms for Possession

IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of mutual agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order.

(c) Parents Who Reside 100 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when MOLLY WILKERSON resides 100 miles or less from the primary residence of the child, MOLLY WILKERSON shall have the right to possession of the child as follows:

1. Weekends -

On weekends that occur during the regular school term, beginning at 6:00 p.m., on the first, third, and fifth Friday of each month and ending at 8:00 p.m. on the following Sunday. (Modification of SPO)

On weekends that do not occur during the regular school term, beginning at 6:00 p.m., on the first, third, and fifth Thursday of each month and ending at 8:00 p.m. on the following Sunday. (Modification of SPO)

2. ~~Weekend Possession Extended by a Holiday – (Modification of SPO -Holiday Extension not Included)~~

~~Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by MOLLY WILKERSON begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at 6:00 p.m. on the immediately preceding Thursday.~~

~~Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by MOLLY WILKERSON ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 p.m. on that Monday.~~

3. Thursdays - On Thursday of each week during the regular school term, beginning at 6:00 p.m. and ending at 8:00 p.m.

4. ~~Spring Vacation in Odd-Numbered Years – (Modification of SPO - Spring Vacation not Included) In odd-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.~~

5. ~~Extended Summer Possession by MOLLY WILKERSON – (Modification of SPO -Summer Extension not Included)~~

~~With Written Notice by April 1 – If MOLLY WILKERSON gives MARK MALDONADO written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, MOLLY WILKERSON shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, with each period of possession beginning and ending at 6:00 p.m. on each applicable day, as specified in the written notice. These periods of possession shall begin and end at 6:00 p.m. on each applicable day.~~

~~Without Written Notice by April 1 – If MOLLY WILKERSON does not give MARK MALDONADO written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, MOLLY WILKERSON shall have possession of the child for thirty consecutive days in that year beginning at 6:00 p.m. on July 1 and ending at 6:00 p.m. on July 31.~~

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for MOLLY WILKERSON, it is expressly ORDERED that MARK MALDONADO shall have a superior right of possession of the children as follows:

1. Spring Vacation in Even-Numbered Years - In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

~~2. Summer Weekend Possession by MARK MALDONADO – If MARK MALDONADO gives MOLLY WILKERSON written notice by April 15 of a year, MARK MALDONADO shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of the extended summer possession by MOLLY WILKERSON in that year, provided that MARK MALDONADO picks up the child from MOLLY WILKERSON and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession.~~

3. Extended Summer Possession by MARK MALDONADO - If MARK MALDONADO gives MOLLY WILKERSON written notice by April 15 of a year or gives MOLLY WILKERSON fourteen days' written notice on or after April 16 of a year, MARK MALDONADO may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by MOLLY WILKERSON shall not take place in that year, provided that the weekend so designated does not interfere with MOLLY WILKERSON's period or periods of extended summer possession or with Father's Day possession.

(d) Parents Who Reside More Than 100 Miles Apart

Except as otherwise expressly provided in this Standard Possession Order, when MOLLY WILKERSON resides more than 100 miles from the residence of the child, MOLLY WILKERSON shall have the right to possession of the child as follows:

1. Weekends – Unless MOLLY WILKERSON elects the alternative period of weekend possession described in the next paragraph, MOLLY WILKERSON shall have the right to possession of the child on weekends that occur during the regular school term, beginning at 6:00 p.m. on the first, third, and fifth Friday of each month, and ending at 6:00 p.m. on the following Sunday, and on weekends that do not occur during the regular school term, beginning at 6:00 p.m. on the first, third and fifth Friday of each month and ending at 6:00 p.m. on the following Sunday.

Alternate Weekend Possession- In lieu of the weekend possession described in the foregoing paragraph, MOLLY WILKERSON shall have the right to possession of the child not more than one weekend per month of MOLLY WILKERSON 's choice beginning on 6:00 p.m. on the day school recesses for the weekend and ending at 6:00 p.m. on the day before school resumes after the weekend. MOLLY WILKERSON may elect an option for this alternative period of weekend possession by giving written notice to MARK MALDONADO within ninety days after the parties begin to reside more than 100 miles apart. If MOLLY WILKERSON makes this election, MOLLY WILKERSON shall give MARK MALDONADO fourteen days' written or telephonic notice preceding a designated weekend. The weekends chosen shall not conflict with provisions regarding Christmas, Thanksgiving, the child's birthday, and Mother's day possession below.

~~2. Weekend Possession Extended by a Holiday— (Modification of SPO-Holiday Extension not Included)~~

~~Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by MOLLY WILKERSON begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday during the summer months when school is not in session, that weekend period of possession shall begin at 6:00 p.m. on the immediately preceding Thursday.~~

~~Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by MOLLY WILKERSON ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 p.m. on that Monday.~~

~~3. Spring Vacation in All Years— Every year, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.~~

~~4. Extended Summer Possession by MOLLY WILKERSON – (Modification of SPO-~~

Summer Extension not Included)

~~With Written Notice by April 1—If MOLLY WILKERSON gives MARK MALDONADO written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, MOLLY WILKERSON shall have possession of the child for forty two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, with each period of possession beginning and ending at 6:00 p.m. on each applicable day, as specified in the written notice. These periods of possession shall begin and end at 6:00 p.m. on each applicable day.~~

~~Without Written Notice by April 1—If MOLLY WILKERSON does not give MARK MALDONADO written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, MOLLY WILKERSON shall have possession of the child for forty two consecutive days beginning at 6:00 p.m. on June 15 and ending at 6:00 p.m. on July 27 of that year.~~

Notwithstanding the weekend periods of possession ORDERED for MOLLY WILKERSON, it is expressly ORDERED that MARK MALDONADO shall have a superior right of possession of the child as follows:

1. ~~Summer Weekend Possession by MARK MALDONADO—If MARK MALDONADO gives MOLLY WILKERSON written notice by April 15 of a year, MARK MALDONADO shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of possession by MOLLY WILKERSON during MOLLY WILKERSON's extended summer possession in that year, provided that if a period of possession by MOLLY WILKERSON in that year exceeds thirty days, MARK MALDONADO may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that MARK MALDONADO picks up the child from MOLLY WILKERSON and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession.~~

2. Extended Summer Possession by MARK MALDONADO- If MARK MALDONADO gives MOLLY WILKERSON written notice by April 15 of a year, MARK MALDONADO may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which MOLLY WILKERSON shall not have possession of the child, provided that the period or periods so designated do not interfere with MOLLY WILKERSON's period or periods of extended summer possession or with Father's Day possession. These periods of possession shall begin and end at 6:00 p.m. on each applicable day.

(e) Holidays Unaffected by Distance (Modification of SPO -Holiday Extensions not applicable)

Notwithstanding the weekend and Thursday periods of possession of MOLLY WILKERSON, MARK MALDONADO and MOLLY WILKERSON shall have the right to possession of the child as follows:

~~1. Christmas Holidays in Even-Numbered Years - In even-numbered years, MOLLY WILKERSON shall have the right to possession of the child beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 28, and MARK MALDONADO shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.~~

2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, MARK MALDONADO shall have the right to possession of the child beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 28, and MOLLY WILKERSON shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.

~~3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, MOLLY WILKERSON shall have the right to possession of the child beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the Sunday following Thanksgiving.~~

4. Thanksgiving in Even-Numbered Years - In even-numbered years, MARK MALDONADO shall have the right to possession of the child beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the Sunday following Thanksgiving.

5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of the child on the child's birthday, that parent shall have possession of the child beginning at 6:00 p.m. and ending at 8:00 p.m. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

6. Father's Day - MARK MALDONADO shall have the right to possession of the child each year, beginning at 6:00 p.m. on the Friday preceding Father's Day and ending at 6:00 p.m. on Father's Day, provided that if MARK MALDONADO is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from MOLLY WILKERSON's residence and return the child to that same place.

7. Mother's Day - MOLLY WILKERSON shall have the right to possession of the child each year, beginning at 6:00 p.m. on the Friday preceding Mother's Day and ending at 6:00 p.m. on Mother's Day, provided that if MOLLY WILKERSON is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from MARK MALDONADO's residence and return the child to that same place.

(f) Undesignated Periods of Possession

MARK MALDONADO shall have the right of possession of the child at all other times not specifically designated in this Standard Possession Order for MOLLY WILKERSON.

(g) General Terms and Conditions

Except as otherwise expressly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows:

1. Surrender of Child by MARK MALDONADO–MARK MALDONADO is ORDERED to surrender the child to MOLLY WILKERSON at the beginning of each period of MOLLY WILKERSON's possession at the residence of MARK MALDONADO.

2. Return of Child by MOLLY WILKERSON- MOLLY WILKERSON is ORDERED to return the child to the residence of MARK MALDONADO at the end of each period of possession. However, it is ORDERED that, if MARK MALDONADO and MOLLY WILKERSON reside in the same county at the time of the rendition of this order, MOLLY WILKERSON's county of residence remains the same after rendition of this order, and MARK MALDONADO's county of residence changes, effective on the date of the change of residence by MARK MALDONADO, MOLLY WILKERSON shall surrender the child to MARK MALDONADO at the residence of MOLLY WILKERSON at the end of each period of possession.

3. Surrender of Child by MOLLY WILKERSON– MOLLY WILKERSON is ORDERED to surrender the child to MARK MALDONADO, if the child is in MOLLY WILKERSON's possession or subject to MOLLY WILKERSON's control, at the beginning of each period of MARK MALDONADO's exclusive periods of possession, at the place designated in the Standard Possession Order.

4. Return of Child by MARK MALDONADO– MARK MALDONADO is ORDERED to return the child to MOLLY WILKERSON, if MOLLY WILKERSON is entitled to possession of the child, at the end of each of MOLLY WILKERSON's exclusive periods of possession, at the place designated in this Standard Possession Order.

5. Personal Effects - Each conservator is ORDERED to return with the child the personal effects that the child brought at the beginning of the period of possession.

6. Designation of Competent Adult - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned.

7. Inability to Exercise Possession - Each conservator is ORDERED to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

8. Written Notice - Written notice shall be deemed to have been timely made if received or postmarked before or at the time that notice is due.

This concludes the Standard Possession Order.

2. *Duration*

The periods of possession ordered above apply to the child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

3. *Noninterference with Possession*

Except as expressly provided herein, IT IS ORDERED that neither conservator shall take possession of the children during the other conservator's period of possession unless there is a prior written agreement signed by both conservators or in case of an emergency.

4. *Termination of Orders*

The provisions of this decree relating to conservatorship, possession, or access terminate on the marriage of MARK MALDONADO to MOLLY WILKERSON unless a nonparent or agency has been appointed conservator of the child under chapter 153 of the Texas Family Code.

Conservatorship

The Court finds that the following orders are in the best interest of the children:

The Court finds that the following orders are in the best interest of the children:

IT IS ORDERED that MARK MALDONADO and MOLLY L. WILKERSON are appointed Joint Managing Conservators of the following children: Milanna Cassedie Maldonado and Makade Anthony Maldonado.

IT IS ORDERED that, at all times, MARK MALDONADO, as a parent joint managing conservator, shall have the following rights:

- 1) the right to receive information from any other conservator of the children

concerning the health, education, and welfare of the children;

2) the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;

3) the right of access to medical, dental, psychological, and educational records of the children;

4) the right to consult with a physician, dentist, or psychologist of the children;

5) the right to consult with school officials concerning the children's welfare and educational status, including school activities;

6) the right to attend school activities, including school lunches, performances, and field trips;

7) the right to be designated on the children's records as a person to be notified in case of an emergency;

8) the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and

9) the right to manage the estate of the children to the extent the estate has been created by the parent or the parent's family.

IT IS ORDERED that, at all times, MOLLY L. WILKERSON, as a parent joint managing conservator, shall have the following rights:

1) the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children

2) the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;

3) the right of access to medical, dental, psychological, and educational records of the children;

4) the right to consult with a physician, dentist, or psychologist of the children, provided that MOLLY L. WILKERSON may not interfere with any medical, dental, surgical, counseling, psychiatric, or psychological decisions or treatment arranged by MARK MALDONADO for either of the children;

5) the right to consult with school officials concerning the children's welfare and educational status, including school activities;

6) the right to attend school activities, including school lunches, performances, and field trips;

7) the right to be designated on the children's records as a person to be notified in case of an emergency;

8) the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and

9) the right to manage the estate of the children to the extent the estate has been created by the parent or the parent's family.

IT IS ORDERED that, at all times, Mark Maldonado and Molly L. Wilkerson, as parent joint managing conservators, shall each have the following duties:

1) the duty to inform the other conservator of the children in a timely manner of significant information concerning the health, education, and welfare of the children;

2) the duty to inform the other conservator of the children if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator of the child as soon as practicable, but not later than the fortieth day after the date the conservator of the children begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;**

3) the duty to inform the other conservator of the children if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;**

4) the duty to inform the other conservator of the children if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the

other conservator of the children as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;** and

5) the duty to inform the other conservator of the children if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.**

IT IS ORDERED that, during their respective periods of possession, MARK MALDONADO and MOLLY L. WILKERSON, as parent joint managing conservators, shall each have the following rights and duties:

- 1) the duty of care, control, protection, and reasonable discipline of the children;
- 2) the duty to support the children, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
- 3) the right to consent for the children to medical and dental care not involving an invasive procedure; and
- 4) the right to direct the moral and religious training of the children.

IT IS ORDERED that MARK MALDONADO, as a parent joint managing conservator, shall have the following rights and duty:

- 1) the exclusive right to designate the primary residence of the children within Collin County, Texas and counties contiguous to Collin County, Texas;
- 2) the exclusive right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;
- 3) the exclusive right to apply for a passport for the children, to renew the children's passport, and to maintain possession of the children's passport;
- 4) except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;

- 5) except when a guardian of the children's estate or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in relation to the children's estate if the children's action is required by a state, the United States, or a foreign government; and
- 6) the duty to manage the estate of the child to the extent the estate has been created by community property or the joint property of the parents, if any.

IT IS ORDERED that MOLLY L. WILKERSON, as a parent joint managing conservator, shall have the following rights and duty:

- 1) the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;
- 2) the independent right to consent to marriage and to enlistment in the armed forces of the United States;
- 3) except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;
- 4) except when a guardian of the children's estate or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in relation to the children's estate if the children's action is required by a state, the United States, or a foreign government; and
- 5) the duty to manage the estate of the child to the extent the estate has been created by community property or the joint property of the parents, if any.

The Court finds that, in accordance with section 153.001 of the Texas Family Code, it is the public policy of Texas to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the children, to provide a safe, stable, and nonviolent environment for the children, and to encourage parents to share in the rights and duties of raising their children after the parents have separated. **IT IS ORDERED** that the primary residence of the children shall remain within one of the following counties in the State of Texas: Collin, Dallas, Denton, Rockwall, Grayson, or Fannin, and the parties shall not remove the children from the following counties in the State of Texas: Collin, Dallas, Denton, Rockwall, Grayson or Fannin counties, for the purpose of changing the primary residence of the children, until this geographic restriction is modified by further order of the court of continuing jurisdiction or by a written agreement that is signed by the parties and filed with that court.

IT IS FURTHER ORDERED that MARK MALDONADO shall have the exclusive right to designate the children's primary residence within the following counties in the State of Texas: Collin, Dallas, Denton, Rockwall, Grayson or Fannin counties.

IT IS FURTHER ORDERED that this geographic restriction on the residence of the children shall be lifted if, at the time MARK MALDONADO wishes to remove the children from the following counties in the State of Texas: Collin, Dallas, Denton, Rockwall, Grayson, or Fannin

counties for the purpose of changing the primary residence of the children, MOLLY L. WILKERSON does not reside in the following counties in the State of Texas: Collin, Dallas, Denton, Rockwall, Grayson, or Fannin counties.

IT IS ORDERED that if a parent's consent is required for the issuance of a passport, that parent shall provide that consent in writing no later than ten days after receipt of the consent documents, unless the parent has good cause for withholding that consent.

IT IS ORDERED that Respondent MALDONADO shall have the right to maintain possession of any passports of the children, subject to the requirements for delivery of the passport and all other requirements set forth below.

Either parent is **ORDERED** to deliver or cause to be delivered to the other parent the original, valid passport of a child, within ten days of their receipt of the other parent's notice of intent to have the child travel outside the United States during a period of possession of the other parent, subject to the parent's right to file an action in the Court within said ten-day period to prevent such travel.

IT IS ORDERED that if a conservator intends to have the children travel outside the United States during the conservator's period of possession of the children, the conservator shall provide written notice to the other conservator. **IT IS ORDERED** that this written notice shall include all the following:

1. any written consent form for travel outside the United States that is required by the country of destination, countries through which travel will occur, or the intended carriers;
2. the date, time, and location of the child's departure from the United States;
3. a reasonable description of means of transportation, including, if applicable, all names of carriers, flight numbers, and scheduled departure and arrival times;
4. a reasonable description of each destination of the intended travel, including the name, address, and phone number of each interim destination and the final travel location;
5. the dates the children are scheduled to arrive and depart at each such destination;
6. the date, time, and location of the children's return to the United States;
7. a complete statement of each portion of the intended travel during which the conservator providing the written notice will not accompany the child; and
8. the name, permanent and mailing addresses, and work and home telephone numbers of each person accompanying the children on the intended travel other than the conservator providing the written notice.

The written notice may be in the form attached to this order as Exhibit "A", Notice of Intent for Child to Travel Outside the United States.

If the intended travel is a group trip, such as with a school or other organization, the conservator providing the written notice is **ORDERED** to provide with the written notice all information about the group trip and its sponsor instead of stating the name, permanent and mailing addresses, and work and home telephone numbers of each person accompanying the children.

IT IS FURTHER ORDERED that this written notice shall be furnished to the other conservator no less than twenty-one days before the intended day of departure of the children from the United

States.

Mark Maldonado and Molly L. Wilkerson are each **ORDERED** to properly execute the written consent form to travel abroad, and any other form required for the travel by the United States Department of State, passport authorities, foreign nations, travel organizers, school officials, or public carriers; when applicable, to have the forms duly notarized; and, within ten days of that conservator's receipt of each consent form, to deliver the form to the conservator providing the written notice, subject to either party's right to file a motion with the Court objecting to the requested travel outside the United States of America.

IT IS ORDERED that any conservator who violates the terms and conditions of these provisions regarding the children's passport shall be liable for all costs incurred due to that person's noncompliance with these provisions. These costs shall include, but not be limited to, the expense of non-refundable or non-creditable tickets, the costs of nonrefundable deposits for travel or lodging, attorney's fees, and all other costs incurred seeking enforcement of any of these provisions.

Other Provisions

Express Conditions Precedent to Molly L. Wilkerson's Right to Possession

- 1) For three months following 1/27/21, any possession of or access to the children by MOLLY L. WILKERSON shall be supervised by her brother, Paul Wilkerson Jr or such other adult agreed upon in advance in writing by MARK MALDONADO. All possession by MOLLY L. WILKERSON shall be supervised only to the extent of having a supervisor on site.
- 2) For six (6) months Molly Wilkerson is **ORDERED** to submit to 10-panel urinalysis testing twice per month -to be completed by the 1st and 15th of each month commencing on February 15, 2021. MOLLY L. WILKERSON is **ORDERED** to authorize the testing facility to release her results directly to MARK MALDONADO and his counsel of record.
- 3) MOLLY L. WILKERSON shall enroll in and successfully complete an eight-hour anger management course. As a condition precedent to any possession of or access to the children, MOLLY L. WILKERSON is **ORDERED** to provide proof of her enrollment in anger management to MARK MALDONADO through his attorneys of record on or before February 15, 2021.
- 4) MOLLY L. WILKERSON shall register for and successfully complete an alcohol evaluation course approved by the Collin County Adult Supervision Department. As a condition precedent to any possession of or access to the children, MOLLY L. WILKERSON shall submit proof of scheduling her alcohol evaluation to MARK MALDONADO and his attorneys on or before to February 15, 2021. MOLLY L. WILKERSON is **ORDERED** to authorize the alcohol evaluation provider to release results of the alcohol evaluation directly to MARK MALDONADO and his attorneys.
- 5) MOLLY L. WILKERSON shall attend counseling at least two times per month. MOLLY L. WILKERSON is **ORDERED** to authorize the counseling provider to release attendance records for her counseling directly to MARK MALDONADO and his attorneys.

Child Support

Child Support Ordered

IT IS ORDERED that MOLLY L. WILKERSON is obligated to pay and shall pay to MARK MALDONADO child support of Two Hundred Ninety-Seven Dollars and Thirteen Cents (\$297.13) per month, with the first payment being due and payable on February 1, 2021 and a like payment being due and payable on the first day of each month thereafter until the first month following the date of the earliest occurrence of one of the events specified below:

- 1) any child reaches the age of eighteen years or graduates from high school, whichever occurs later, subject to the provisions for support beyond the age of eighteen years set out below;
- 2) any child marries;
- 3) any child dies;
- 4) any child enlists in the armed forces of the United States and begins active service as defined by section 101 of title 10 of the United States Code; or
- 5) any child's disabilities are otherwise removed for general purposes.

Thereafter, **IT IS ORDERED** that MOLLY L. WILKERSON is obligated to pay and shall pay to MARK MALDONADO child support of Two Hundred Thirty-Seven Dollars and 70/100 (\$237.70) per month, with the first payment being due and payable on the first day of the month following the occurrence of one of the events described above and a like payment being due and payable on the first day of each month thereafter until the first month following the date of the earliest occurrence of one of the events specified below:

- 1) the child reaches the age of eighteen years or graduates from high school, whichever occurs later, subject to the provisions for support beyond the age of eighteen years set out below;
- 2) the child marries;
- 3) the child dies;
- 4) the child enlists in the armed forces of the United States and begins active service as defined by section 101 of title 10 of the United States Code; or
- 5) the child's disabilities are otherwise removed for general purposes.

If a child is eighteen years of age and has not graduated from high school and MOLLY L. WILKERSON's obligation to support the child has not already terminated, **IT IS ORDERED** that MOLLY L. WILKERSON's obligation to pay child support to MARK MALDONADO shall not terminate but shall continue for as long as the child is enrolled—

- 1) under chapter 25 of the Texas Education Code in an accredited secondary school in a program leading toward a high school diploma or under section 130.008 of the Education Code in courses for joint high school and junior college credit and is complying with the minimum attendance requirements of subchapter C of chapter 25 of the Education Code or

2) on a full-time basis in a private secondary school in a program leading toward a high school diploma and is complying with the minimum attendance requirements imposed by that school.

Statement on Guidelines

In accordance with Texas Family Code section 154.130, the Court makes the following findings and conclusions regarding the child support order made in open court in this case on January 27, 2021:

1. The amount of child support ordered by the Court is in accordance with the percentage guidelines; and
2. The net resources of MOLLY L. WILKERSON per month, after crediting MOLLY L. WILKERSON for payment of cash medical support and cash dental support in the total amount of \$117.55, are \$1,188.51.

Withholding from Earnings

IT IS ORDERED that any employer of MOLLY L. WILKERSON be ordered to withhold the child support payments ordered in this order from the disposable earnings of MOLLY L. WILKERSON for the support of the children.

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of MOLLY L. WILKERSON by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support **ORDERED** paid by this order through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this order, the balance due remains an obligation of MOLLY L. WILKERSON, and it is hereby **ORDERED** that MOLLY L. WILKERSON pay the balance due directly to the state disbursement unit as specified below.

On this date the Court signed an Income Withholding for Support.

Payment

IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to MARK MALDONADO for the support of the children. **IT IS ORDERED** that all payments shall be made payable to the Office of the Attorney General and include the ten-digit Office of the Attorney General case number (if available), the cause number of this suit, MOLLY L. WILKERSON's name as the name of the noncustodial parent (NCP), and MARK MALDONADO's name as the name of the custodial parent (CP). Payment options are found on the Office of the Attorney General's website at <https://www.texasattorneygeneral.gov/cs/payment-options-and-types>.

IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the state disbursement unit and any other agency statutorily authorized to charge a fee.

Change of Employment

IT IS FURTHER ORDERED that MOLLY L. WILKERSON shall notify this Court and MARK MALDONADO by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of MOLLY L. WILKERSON and the name and address of her current employer, whenever that information becomes available.

Clerk's Duties

IT IS ORDERED that, on the request of a prosecuting attorney, the title IV-D agency, the friend of the Court, a domestic relations office, MOLLY L. WILKERSON, MARK MALDONADO, or an attorney representing MOLLY L. WILKERSON or MARK MALDONADO, the clerk of this Court shall cause a certified copy of the Income Withholding for Support to be delivered to any employer.

Medical and Dental Support

1) **IT IS ORDERED** that MARK MALDONADO and MOLLY L. WILKERSON shall each provide medical support for the children as set out in this order as additional child support for as long as the Court may order MARK MALDONADO and MOLLY L. WILKERSON to provide support for the children under sections 154.001 and 154.002 of the Texas Family Code. Beginning on the day MARK MALDONADO and MOLLY L. WILKERSON'S actual or potential obligation to support the children under sections 154.001 and 154.002 of the Family Code terminates, **IT IS ORDERED** that MARK MALDONADO and MOLLY L. WILKERSON are discharged from the obligations set forth in this medical and dental support order, except for any failure by a parent to fully comply with those obligations before that date.

1) Definitions -

"Health Insurance" means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code.

"Reasonable cost" means the cost of health insurance coverage for a child that does not exceed 9 percent of MOLLY L. WILKERSON'S annual resources, as described by section 154.062(b) of the Texas Family Code.

"Dental insurance" means insurance coverage that provides preventive dental care and other dental services, including usual dentist services, office visits, examinations, X-rays, and emergency services, that may be provided through a single service health maintenance organization or other private or public organization.

"Reasonable cost" of dental insurance means the cost of dental insurance coverage for a child that does not exceed 1.5 percent of MOLLY L. WILKERSON'S annual resources, as described by section 154.062(b) of the Texas Family Code.

"Health-care expenses" include, without limitation, medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges but do not include expenses for travel to and from the provider or for nonprescription medication.

"Health-care expenses that are not reimbursed by insurance" ("unreimbursed expenses") include related copayments and deductibles.

"Furnish" means -

- a. to hand deliver the document by a person eighteen years of age or older either to the recipient or to a person who is eighteen years of age or older and permanently resides with the recipient;
- b. to deliver the document to the recipient by certified mail, return receipt requested, to the recipient's last known mailing or residence address; or
- c. to deliver the document to the recipient at the recipient's last known mailing

or residence address using any person or entity whose principal business is that of a courier or deliverer of papers or documents either within or outside the United States.

2) Findings on Health Insurance Availability-

Having considered the cost, accessibility, and quality of health insurance coverage available to the parties, the Court finds:

Health insurance is available to the children at this time from MARK MALDONADO from his employment or membership in a union, trade association, or other organization at a reasonable cost of Two Hundred Thirty-Nine and 70/100 dollars (\$239.70) per month.

IT IS FURTHER FOUND that the following orders regarding health-care coverage are in the best interest of the children.

3) Provision of Health-Care Coverage -

MARK MALDONADO is **ORDERED** to maintain health insurance in full force and effect on each child for so long as child support is payable for the child.

MARK MALDONADO is **ORDERED**—

- a. to furnish to each conservator of the children the following information no later than the thirtieth day after the date the notice of the rendition of this order is received:
 - i. MARK MALDONADO's date of birth;
 - ii. the name and address of MARK MALDONADO's employer;
 - iii. whether MARK MALDONADO's employer is self-insured or has health insurance available;
 - iv. proof that health insurance has been provided for each child;
 - v. if MARK MALDONADO's employer has health insurance available:
 - (a) the name of the health insurance carrier;
 - (b) the number of the policy;
 - (c) a copy of the policy;
 - (d) a schedule of benefits;
 - (e) a health insurance membership card;
 - (f) claim forms; and
 - (g) any other information necessary to submit a claim; and
 - vi. if MARK MALDONADO's employer is self-insured:

- (a) a copy of the schedule of benefits;
 - (b) a membership card;
 - (c) claim forms; and
 - (d) any other information necessary to submit a claim;
- b. to furnish to each conservator of the children a copy of any renewals or changes to the health insurance policy covering a child and any additional information regarding health insurance coverage of the children not later than the fifteenth day after MARK MALDONADO receives or is provided with the renewal, change, or additional information;
 - c. to notify each conservator of the children of any termination or lapse of the health insurance coverage of a child not later than the fifteenth day after the date of the termination or lapse;
 - d. after a termination or lapse of health insurance coverage, to notify each conservator of the children of the availability to MARK MALDONADO of additional health insurance for the children not later than the fifteenth day after the date the additional health insurance becomes available; and
 - e. after a termination or lapse of health insurance coverage, to enroll the children in a health insurance plan that is available to MARK MALDONADO at reasonable cost at the next available enrollment period.

Pursuant to section 1504.051 of the Texas Insurance Code, **IT IS ORDERED** that if MARK MALDONADO is eligible for dependent health coverage but fails to apply to obtain coverage for the child, the insurer shall enroll the children on application of MOLLY L. WILKERSON or others as authorized by law.

4) Findings on Availability of Dental Insurance

Having considered the cost, accessibility, and quality of dental insurance coverage available to the parties, the Court finds:

Dental insurance is available to the children at this time from MARK MALDONADO from his employment or membership in a union, trade association, or other organization at a reasonable cost of Thirty-Eight and 9/100 dollars (\$38.09) per month.

IT IS FURTHER FOUND that the following orders regarding dental coverage are in the best interest of the children.

5) Provision of Dental Coverage

MARK MALDONADO is **ORDERED**—

- a. to furnish to each conservator of the children the following information no later than the thirtieth day after the date the notice of the rendition of this order is received:
 - i. MARK MALDONADO's date of birth;
 - ii. the name and address of MARK MALDONADO's employer;

- iii. whether MARK MALDONADO's employer is self-insured or has dental insurance available;
- iv. proof that dental insurance has been provided for each child;
- v. if MARK MALDONADO's employer has dental insurance available:
 - (a) the name of the dental insurance carrier;
 - (b) the number of the policy;
 - (c) a copy of the policy;
 - (d) a schedule of benefits;
 - (e) a dental insurance membership card;
 - (f) claim forms; and
 - (g) any other information necessary to submit a claim; and
- vi. if MARK MALDONADO's employer is self-insured:
 - (a) a copy of the schedule of benefits;
 - (b) a membership card;
 - (c) claim forms; and
 - (d) any other information necessary to submit a claim;

- b. to furnish to each conservator of the children a copy of any renewals or changes to the dental insurance policy covering a child and any additional information regarding dental insurance coverage of the children not later than the fifteenth day after MARK MALDONADO receives or is provided with the renewal, change, or additional information;
- c. to notify each conservator of the children of any termination or lapse of the dental insurance coverage of a child not later than the fifteenth day after the date of the termination or lapse;
- d. after a termination or lapse of dental insurance coverage, to notify each conservator of the children of the availability to MARK MALDONADO of additional dental insurance for the children not later than the fifteenth day after the date the additional dental insurance becomes available; and
- e. after a termination or lapse of dental insurance coverage, to enroll the children in a dental insurance plan that is available to MARK MALDONADO at reasonable cost at the next available enrollment period.

MARK MALDONADO is **ORDERED** to maintain dental insurance in full force and effect

on each child for so long as child support is payable for the child.

6) Cash Medical and Dental Support

As additional child support, MOLLY L. WILKERSON is **ORDERED** to pay cash medical and dental support, as additional child support, of One Hundred Seventeen Dollars and Fifty-Five Cents (\$117.55) per month, with the first installment being due and payable on February 1, 2021 and a like installment being due and payable on or before the 1st day of each month until the termination or modification of current child support for the children.

IT IS FURTHER ORDERED that the additional child support payments for the cost of health and dental insurance ordered herein are payable through the state disbursement unit or as directed below and subject to the provisions for withholding from earnings provided above for other child support payments. MOLLY L. WILKERSON is **ORDERED** to make all payments for cash medical support through the Texas Child Support State Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791. The payment of cash medical support required by this order will be by an order for withholding from earnings separate from any other wage withholding order required. The cash medical support payments ordered herein are to be paid to the Office of the Attorney General for so long as the child is enrolled. On the first day of the month immediately following the date on which the child is no longer enrolled, the cash medical support payments ordered herein are to be paid to MARK MALDONADO.

IT IS ORDERED that the cash medical support provisions of this order shall be an obligation of the estate of MOLLY L. WILKERSON and shall not terminate on her death.

Pursuant to section 154.183(c) of the Texas Family Code, the reasonable and necessary health-care expenses of the children that are not reimbursed by health insurance are allocated as follows: MOLLY L. WILKERSON is **ORDERED** to pay fifty percent (50%) and MARK MALDONADO is **ORDERED** to pay fifty percent (50%) of the unreimbursed health-care expenses.

7. Findings on Availability of Dental Insurance -

Having considered the cost, accessibility, and quality of dental insurance coverage available to the parties, the Court finds:

Dental insurance is available to MARK MALDONADO from his employment or membership in a union, trade association, or other organization.

IT IS FURTHER FOUND that the following orders regarding dental coverage are in the best interest of the children.

8) Provision of Dental Coverage -

As additional child support, MARK MALDONADO is **ORDERED** to obtain, within 30 days after entry of this order, and then maintain dental insurance for the children as long as child support is payable for that child. MARK MALDONADO is **ORDERED**-

- a. to furnish to each conservator of the child the following information no later than the thirtieth day after the date the notice of the rendition of this order is received:
 - i. MARK MALDONADO'S date of birth;
 - ii. the name and address of MARK MALDONADO'S employer;
 - iii. whether MARK MALDONADO'S employer is self-insured or has dental insurance available;
 - iv. proof that dental insurance has been provided for the child;
 - v. if MARK MALDONADO'S employer has dental insurance available:

- (a) the name of the dental insurance carrier;
 - (b) the number of the policy;
 - (c) a copy of the policy;
 - (d) a schedule of benefits;
 - (e) a dental insurance membership card;
 - (f) claim forms; and
 - (g) any other information necessary to submit a claim; and
- vi. if MARK MALDONADO'S employer is self-insured:
 - (a) a copy of the schedule of benefits;
 - (b) a membership card;
 - (c) claim forms; and
 - (d) any other information necessary to submit a claim;
- b. to furnish to each conservator of the children a copy of any renewals or changes to the dental insurance policy covering the children and any additional information regarding dental insurance coverage of the children not later than the fifteenth day after MARK MALDONADO receives or is provided with the renewal, change, or additional information;
- c. to notify each conservator of the children of any termination or lapse of the dental insurance coverage of the children not later than the fifteenth day after the date of the termination or lapse;
- d. after a termination or lapse of dental insurance coverage, to notify each conservator of the children of the availability to MARK MALDONADO of additional dental insurance for the child not later than the fifteenth day after the date the additional dental insurance becomes available; and
- e. after a termination or lapse of dental insurance coverage, to enroll the child in a dental insurance plan that is available to MARK MALDONADO at reasonable cost at the next available enrollment period.

Pursuant to section 1504.051 of the Texas Insurance Code, **IT IS ORDERED** that if MARK MALDONADO is eligible for dependent dental coverage but fails to apply to obtain coverage for the child, the insurer shall enroll the children on application of MOLLY L. WILKERSON or others as authorized by law.

IT IS ORDERED that the provisions of this order for payments for the cost of dental insurance shall be an obligation of the estate of MOLLY L. WILKERSON and shall not terminate on her death.

The party who incurs a health-care expense on behalf of the child is **ORDERED** to furnish to the other party forms, receipts, bills, statements, and explanations of benefits reflecting the uninsured portion of the health-care expenses within thirty days after the incurring party receives them. The nonincurring party is **ORDERED** to pay the non-incurring party's percentage of the uninsured portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring party for any advance payment exceeding the incurring party's percentage of the uninsured portion of the health-care expenses within thirty days after the nonincurring party receives the forms, receipts, bills, statements, and/or explanations of benefits. However, if the incurring party fails to submit to the other party forms, receipts, bills, statements, and explanations of benefits reflecting the uninsured portion of the health-care expenses within thirty days after the incurring party receives them, **IT IS ORDERED** that the nonincurring party shall pay the nonincurring party's percentage of the uninsured portion of the health-care expenses

either by paying the health-care provider directly or by reimbursing the incurring party for any advance payment exceeding the incurring party's percentage of the uninsured portion of the health-care expenses within 120 days after the nonincurring party receives the forms, receipts, bills, statements, and/or explanations of benefits.

These provisions apply to all unreimbursed health-care expenses of the children the subject of this suit that are incurred while child support is payable for the children.

9) Secondary Coverage

IT IS ORDERED that if a party provides secondary health insurance coverage for the children, both parties shall cooperate fully with regard to the handling and filing of claims with the insurance carrier providing the coverage in order to maximize the benefits available to the children and to ensure that the party who pays for health-care expenses for the children is reimbursed for the payment from both carriers to the fullest extent possible.

10) Compliance with Insurance Company Requirements

Each party is **ORDERED** to conform to all requirements imposed by the terms and conditions of the policy of health insurance covering the child in order to assure the maximum reimbursement or direct payment by the insurance company of the incurred health-care expense, including but not limited to requirements for advance notice to any carrier, second opinions, and the like. Each party is **ORDERED** to use "preferred providers," or services within the health maintenance organization, if applicable. Disallowance of the bill by a health insurer shall not excuse the obligation of either party to make payment. Excepting emergency health-care expenses incurred on behalf of the children, if a party incurs health-care expenses for the children using "out-of-network" health-care providers or services, or fails to follow the health insurance company procedures or requirements, that party shall pay all such health-care expenses incurred absent (1) written agreement of the parties allocating such health-care expenses or (2) further order of the Court.

11) Claims

Except as provided in this paragraph, the party who is not carrying the health insurance policy covering the children is **ORDERED** to furnish to the party carrying the policy, within fifteen days of receiving them, any and all forms, receipts, bills, and statements reflecting the health-care expenses the party not carrying the policy incurs on behalf of the children. In accordance with section 1204.251 and 1504.055(a) of the Texas Insurance Code, **IT IS ORDERED** that the party who is not carrying the health insurance policy covering the children, at that party's option, may file any claims for health-care expenses directly with the insurance carrier with and from whom coverage is provided for the benefit of the children and receive payments directly from the insurance company. Further, for the sole purpose of section 1204.251 of the Texas Insurance Code, MARK MALDONADO is designated the managing conservator or possessory conservator of the children.

The party who is carrying the health insurance policy covering the children is **ORDERED** to submit all forms required by the insurance company for payment or reimbursement of health-care expenses incurred by either party on behalf of the children to the insurance carrier within fifteen days of that party's receiving any form, receipt, bill, or statement reflecting the expenses.

12) Constructive Trust for Payments Received

IT IS ORDERED that any insurance payments received by a party from the health insurance carrier as reimbursement for health-care expenses incurred by or on behalf of the children shall belong to the party who paid those expenses. **IT IS FURTHER ORDERED** that the party receiving the insurance payments is designated a constructive trustee to receive any

insurance checks or payments for health-care expenses paid by the other party, and the party carrying the policy shall endorse and forward the checks or payments, along with any explanation of benefits received, to the other party within three days of receiving them.

13) WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILD, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILD.

14) Notice to Employer - On this date a Medical Support Notice was authorized to be issued by the Court. For the purpose of section 1169 of title 29 of the United States Code, the party not carrying the health insurance policy is designated the custodial parent and alternate recipient's representative.

IT IS ORDERED that the child support as prescribed in this order shall be exclusively discharged in the manner ordered and that any direct payments made by MOLLY L. WILKERSON to MARK MALDONADO or any expenditures incurred by MOLLY L. WILKERSON during MOLLY L. WILKERSON's periods of possession of or access to the children, as prescribed in this order, for food, clothing, gifts, travel, shelter, or entertainment are deemed in addition to and not in lieu of the support ordered in this order.

Coparenting Website Program

IT IS FURTHER ORDERED that MARK MALDONADO and MOLLY L. WILKERSON shall use Our Family Wizard or another co-parenting app of their mutual agreement as a tool to effectively communicate relevant information in a timely manner.

IT IS FURTHER ORDERED THAT ALL OTHER ORDERS OF COLLIN COUNTY'S STANDING ORDERS ARE TO REMAIN IN FULL FORCE IN FULL FORCE MARK MALDONADO AND MOLLY WILKERSON

Required Information

The information required for each party by section 105.006(a) of the Texas Family Code is as follows:

Name:	Mark Maldonado		
Social Security number:	xxx-xx-x837		
Driver's license number:	xxxxx758	Issuing state:	Texas
Current residence address:	[REDACTED]		
Mailing address:	Same as above		
Home telephone number:	(972) 658-2877		
Name of employer:	Collin County College		
Address of employment:	3452 Spur 399, McKinney, Texas 75069		
Work telephone number:	(972) 758-3822		

Name:	Molly Louise Wilkerson		
Social Security number:	xxx-xx-x399		
Driver's license number:	xxxxx257	Issuing state:	Texas

Current residence address: 2500 E Park Blvd., T-3, Plano Texas 75073
Mailing address: Same as above
Home telephone number: (214) 636-4719
Name of employer: Lovejoy Independent School District
Address of employment: 259 Country Club Rd., Allen, Texas 75002
Work telephone number: (469) 742-8003

Required Notices

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

NOTICE TO THE STATE CASE REGISTRY as is required by the preceding section, any change of a party's residential address, mailing address, home telephone number, name of employer, address of employment, driver's license number, or work telephone number are to be reported by mail to the:

State Case Registry
Contract Services Section
MC 046S
P.O. Box 12017
Austin, TX 78711-2017

in addition to reporting the change(s) to the other parties and the Court.

Statutory Warnings

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN

FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD IF:

(1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR

(2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR \$100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

Date of Judgment

SIGNED on _____, 2021.

JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

/s/
GEORGE A. (TONY) MALLERS
Texas Bar No. 12861500
tmallers@cowlesthompson.com
CLAIRE E. JAMES
Texas Bar No. 24083240
cjames@cowlesthompson.com
GRACEN M. DANIEL
Texas Bar No. 24116248

gdaniel@cowlesthompson.com

COWLES & THOMPSON, P.C.
4965 Preston Park Boulevard, Suite 320
Plano, Texas 75093
Tel: (214) 672-2133
Fax: (214) 672-2333
ATTORNEYS FOR PETITIONER
MARK MALDONADO

APPROVED AS TO FORM ONLY:

MOLLY L. WILKERSON
2500 E. Park Boulevard
Plano, Texas 75074
E-mail: missmolly2020@aol.com
Tel: (214) 636-4719

PRO SE RESPONDENT



**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

CAUSE NO. 366-50778-2021

MARK MALDONADO	§	IN THE DISTRICT COURT
	§	
AND	§	366th JUDICIAL DISTRICT
	§	
MOLLY L. WILKERSON	§	DALLAS COUNTY, TEXAS

FINAL PROTECTIVE ORDER

On March 3, 2021, the Court heard the Application of Mark Maldonado for a Protective Order.

Appearances

Applicant, Mark Maldonado (“Applicant”) appeared via Zoom and through attorney of record, George A. (Tony) Mallers, and announced ready.

Respondent, Molly L. Wilkerson (“Respondent”) appeared via Zoom pro se and announced ready.

Jurisdiction

The Court, after examining the record and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been satisfied and that this Court has jurisdiction over the parties and subject matter of this case.

Findings

The Court finds that Applicant and Respondent are separated. The Court finds [REDACTED] and [REDACTED] are the children of Applicant and Respondent.

The Court finds that family violence has occurred, and that family violence is likely to occur in the future. The Court finds that Respondent, Molly Wilkerson, has committed family

violence. The Court finds that the orders contained in this Final Protective Order are for the safety and welfare and in the best interest of Applicant and other members of the family and are necessary for the prevention of family violence.

Protected Person

In this order, "Protected Person" means Applicant, ~~minor child M [REDACTED] C [REDACTED]~~, ~~M [REDACTED], and/or minor child M [REDACTED] A [REDACTED] M [REDACTED]~~. TN

Orders

IT IS ORDERED that Respondent Molly L. Wilkerson is prohibited from:

1. Committing family violence, as described in section 71.004 of the Texas Family Code, against any Protected Person;
2. Doing any act that is intended to result in physical harm, bodily injury, assault, or sexual assault against any Protected Person;
3. Communicating or attempting to communicate in any manner with any Protected Person, unless such communication is through Applicant's attorney of record or an individual appointed by the Court;
4. Being within 250 yards of any Protected Person unless during a supervised possession period of the minor children;
5. Being within 250 yards of the following properties: Applicant's residence, located at 1800 Hondo Drive, Plano, Texas 75074; Applicant's workplace, located at 2800 East Spring Creek Parkway, Plano, Texas 75074; Applicant's property located at 1324 Lorraine Dr., Plano, Texas 75074; and Applicant's property located at 1332 Lorraine Dr., Plano, Texas 75074;
6. Being within 250 yards of Dooley Elementary School, 2425 San Gabriel Drive, Plano, Texas 75074;

7. Stalking, following, or engaging in conduct directed specifically to any Protected Person that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass her or him;
8. Possessing a firearm or ammunition unless Respondent is a peace officer, as defined by section 1.07 of the Texas Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision;
9. Possessing a license to carry a concealed handgun issued under subchapter H, chapter 411, of the Texas Government Code.

Battering Intervention and Prevention Program

IT IS ORDERED that Respondent commence and complete a Battering Intervention and Prevention Program (“BIPP”) accredited under article 42.141 of the Texas Code of Criminal Procedure within six (6) months from the date of this Order by contacting Hope’s Door New Beginnings Center (972-422-2911, extension -605 or any other accredited BIPP program in Collin County, Texas.

IT IS FURTHER ORDERED that Respondent file with the Court, before the sixtieth day after the date this order is rendered, an affidavit stating either that Respondent has started the program or that the program is not available within a reasonable distance of Respondent’s residence.

IT IS FURTHER ORDERED that, if Respondent files an affidavit that Respondent has started the program, Respondent shall file with the Court before the date this protective order expires (1) a statement that Respondent completed the program not later than the earlier of the thirtieth day before this protective order expires or the thirtieth day before the first anniversary of the date of this protective order is issued and (2) a letter, notice, or certificate from the program that verifies Respondent's completion of the program. If Respondent fails to provide the affidavit and, if required, the statement and verification of completion of the program as ordered, Respondent may be punished for contempt of court, as provided by section 21.002 of the Texas Government Code, by a fine not to exceed \$500, by confinement in jail for a term not to exceed six months, or by both.

Attorney's Fees

The Court finds that Molly L. Wilkerson should be assessed \$8915 as reasonable attorney's fees for the services of George A. (Tony) Mallers and Cowles & Thompson P.C.

IT IS ORDERED that George A. (Tony) Mallers of Cowles & Thompson P.C. is awarded a judgment against Molly L. Wilkerson in the amount of \$8915 for services provided through this judgment, plus postjudgment interest at the rate of five percent (5%), compounded annually, from the date this judgment is entered until all amounts are paid in full. George A. (Tony) Mallers of Cowles & Thompson P.C. may enforce this judgment in his own name.

Costs

IT IS ORDERED that Respondent, Molly L. Wilkerson, shall pay the standard protective order fee, the standard fee for cost of service of this order, the costs of court, and all other fees, charges, or expenses incurred in connection with this order.

IT IS THEREFORE ORDERED that Respondent shall pay the \$16.00 protective order fee to the clerk of this Court on or before the sixtieth (60th) day after this Final Protective Order is rendered at Russell A. Steindam Courts Building, 2100 Bloomdale Road, Suite 30146, McKinney, Texas 75071, by cash, cashier's check, or money order.

Forwarding Copies

IT IS ORDERED that the Clerk of the Court must forward copies of this Order and the attached information provided by Applicant's attorney pursuant to section 411.042(b)(6) of the Texas Government Code to the chief of police of the municipality of Plano, Texas. The Clerk must forward a copy of this Order to the chief of police, or sheriff and constable of Collin County, Texas, no later than the next business day after the date the Court issues this order.

IT IS ORDERED that a copy of this order shall be forwarded by the clerk of this Court to the following school in Plano Independent School District: [REDACTED]

[REDACTED]

Duration of Order

IT IS ORDERED that this Final Protective Order is effective immediately and will continue in full force and effect until exactly two (2) years from the date this Final Protective Order is signed.

Relief Not Granted

IT IS ORDERED that all relief requested in the Application for Protective Order but not expressly granted is denied.

Enforcement of Child Custody Provisions

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER

WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

WARNINGS:

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH.

NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.

IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, TEXAS PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS.

IT IS UNLAWFUL FOR ANY PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION. POSSESSION OF A FIREARM OR AMMUNITION, AS DEFINED IN 18 U.S.C. § 921, WHILE THIS PROTECTIVE ORDER IS IN EFFECT MAY BE A FELONY UNDER FEDERAL LAW PUNISHABLE BY UP TO TEN YEARS IN PRISON, A \$250,000 FINE, OR BOTH.

PURSUANT TO 18 U.S.C. § 925(A)(1), THE RESTRICTIONS ON POSSESSION OF FIREARMS OR AMMUNITION FOUND AT 18 U.S.C. § 922(G)(8), AND IMPOSED BY THIS PROTECTIVE ORDER, DO NOT APPLY TO FIREARMS OR AMMUNITION ISSUED BY THE UNITED STATES OR ANY DEPARTMENT OR AGENCY THEREOF OR ANY STATE OR ANY DEPARTMENT, AGENCY, OR POLITICAL SUBDIVISION THEREOF, WHICH RESPONDENT POSSESSES IN CONNECTION WITH THE DISCHARGE OF OFFICIAL

GOVERNMENT DUTIES. THE POSSESSION OF PRIVATELY-OWNED FIREARMS AND AMMUNITION, HOWEVER, REMAINS UNLAWFUL AND VIOLATES THE TERMS OF THIS PROTECTIVE ORDER.

IT IS UNLAWFUL FOR ANY PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER TO KNOWINGLY PURCHASE, RENT, LEASE, OR RECEIVE AS A LOAN OR GIFT FROM ANOTHER, A HANDGUN FOR THE DURATION OF THIS ORDER.

INTERSTATE VIOLATION OF THIS PROTECTIVE ORDER MAY SUBJECT RESPONDENT TO FEDERAL CRIMINAL PENALTIES. THIS PROTECTIVE ORDER IS ENFORCEABLE IN ALL FIFTY STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, AND U.S. TERRITORIES.

Date of Order

This Final Protective Order **JUDICIALLY PRONOUNCED AND RENDERED** in Court in Collin County, Texas, on March 3, 2021 and further noted on the Court's docket sheet on the same date.

SIGNED on March 3,, 2021 at _____. M.



JUDGE PRESIDING

[Party description information on following page]

Information Required by Texas Government Code Section 411.052(b)(6)

Information concerning Respondent, the person to whom the Final Protective Order is directed:

Name: Molly Louise Wilkerson

Home address: 2500 E. Park Blvd., Unit T-3, Plano, Texas 75073

Mobile telephone number: (214) [REDACTED]

Work address: Unemployed

Date of birth: 9/16/1983

Color of eyes: Hazel

Color of hair: Blonde

Height: 5'7"

Weight: 160

Sex: Female

Race: White

Personal descriptors: nose piercing, one tattoo on each foot

Social Security number: xxx-xx-x399

Driver's license or identification number and issuing state: Texas; DL# [REDACTED] 257

Information about Applicant and his children:

Names: Applicant Mark Maldonado, Children: [REDACTED] and [REDACTED]
[REDACTED]

Address of Applicant's residence: [REDACTED]

Applicant's workplace: Collin College, 2800 East Spring Creek Parkway, Plano, Texas 75074

Locations of children's school: [REDACTED]
[REDACTED]

Applicant's other properties: 1324 and 1332 Lorraine Dr., Plano, Texas 75074

CAUSE NO. 366-53554-2020

IN THE MATTER OF
THE MARRIAGE OF

MOLLY L. WILKERSON
AND
MARK MALDONADO

AND IN THE INTEREST OF
M.C.M. AND M.A.M., CHILDREN

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

366TH JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

ORDER DENYING PERMISSION FOR VEXATIOUS LITIGANT TO FILE
MOTION TO VACATE IMPROPER ORDERS AND
ENTER CORRECTED ORDERS NUNC PRO TUNC

The local administrative district judge has reviewed the *Motion to Vacate Improper Orders and Enter Corrected Orders Nunc Pro Tunc* attempted to be filed by Molly Wilkerson on 7/9/2021.

Molly Wilkerson is subject to a vexatious litigant prefiling order pursuant to Tex. Civ. Prac. & Rem. Code Ch. 11 entered in cause number 366-51795-2021 on April 21, 2021.

The local administrative judge has determined without a hearing that the request should be DENIED.

The proposed *Motion to Vacate Improper Orders and Enter Corrected Orders Nunc Pro Tunc* is a new litigation requesting that the court vacate the final judgment signed on 3/3/2021 and relitigate the fact issues. This motion was attempted to be filed 128 days after the judgment was signed. The motion does not identify clerical errors capable of being corrected by a judgment nunc pro tunc.

It does not appear that the request has merit and has not been filed for the purposes of harassment or delay.

IT IS ORDERED that the district clerk shall not file the proposed *Motion to Vacate Improper Orders and Enter Corrected Orders Nunc Pro Tunc*.

SIGNED 7/9/2021.

/s/ Judge Emily Miskel
Local Administrative District Judge

EXHIBIT E:
Brief for Indigence Hearing

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

CASE NO. 366-53554-2020

IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
	§	
MOLLY L. WILKERSON	§	
AND	§	366th JUDICIAL DISTRICT
MARK MALDONADO	§	
	§	
AND IN THE INTEREST OF	§	
M.C.M. AND M.A.M., CHILDREN	§	COLLIN COUNTY, TEXAS

**PETITIONER'S BRIEF IN SUPPORT OF SANCTIONING RESPONDENT AND
OPPOSING COUNSEL, RESTORING PARENTAL RIGHTS, AND OVERRULING
REPORTER'S CONTEST TO PETITIONER'S INDIGENCY, OR IN THE
ALTERNATIVE, SHIFT PAYMENT TO BURDENING PARTY, RESPONDENT**

INTRODUCTION

When I was five and my brother was eight, my mom was taken to jail for 63 days for various offenses. We got to talk to her every day and send her pictures and letters. My kids are five and eight. They have no clue where I am, and their father will not allow them to talk to me. Add to that, I am not a criminal, and I do not have a drug problem or mental health problems. Mr. Maldonado made a wide variety of assertions throughout the pendency of the former suit, mostly through ex parte claims for which I had no opportunity to know or defend myself, and as I proved the claims wrong, new accusations would arise. I am not even allowed to check on the children or to know about their lives. It has been over six months, and while Respondent's accusations have been baseless, even if they were true, his denial of Court ordered facilitated visitation is completely unjustified. For myself and my brother, our mother's absence was traumatic. Fortunately, we had a father that was present in our lives, who is caring and compassionate, and we were able to maintain a relationship with our mother who is also loving. Without both of our parents, we would

not be the resilient people we are today. My kids will be traumatized beyond that, and the psychological damage will have a presence for the rest of their lives. The pain that never leaves my heart is not as relevant as the children's pain and suffering, but it should be noted that I am not the same person by any means; the absence of the babies I have raised has left a hole in my heart, and while I can move forward when my rightful relationship is restored, I will undoubtedly never be the carefree spirit I once was. The intentional infliction of emotional duress and the violation of my constitutional rights are grounds for damages and restitution. At minimum -for now- sanctions should be imposed on Opposing Counsel and Respondent, Mark Maldonado, and they should be liable for Mrs. Antoinette Varella's records.

SAPCR orders should be promptly entered, or at least, temporary orders should be put in place to end this tragic alienation of the parent-child relationship. If this Court ever doubted my claims of abuse, look to this situation as a guide to what this man's hatred is capable of. Despite my own feelings, I could never do this to another parent let alone the father of my children. Parental alienation occurs when one parent "systematically attempts to exclude" the other parent from a child's life either physically or emotionally. Mr. Maldonado has gone above and beyond to prevent me from actively participating and interacting with the children. This has been abusive to me and the children. Children need to be in an environment that is going to foster acceptance of both parents, but Mr. Maldonado has not demonstrated an ability to do that, and I have not been granted the opportunity.

SANCTIONABLE CONDUCT

The term "**unethical behavior**," includes any conduct that violates any code, rule, or standard of professional conduct or responsibility governing the conduct of attorneys authorized to practice law in the State of Texas. It is a fact that George Mallers and Claire James violated

rules of conduct on multiple occasions, and their unethical behavior should be met with consequences.

I have brought the unethical behavior to the attention of the Court during multiple hearings, but I had no idea that the attorneys in fact left proof of their unethical actions in ex parte pleadings until I received the Court's records on May 17, 2021 from the Court of Appeals. I have previously cited Judicial Canon 3b(3) and requested that the Court initiate appropriate disciplinary measures against Claire James and George Mallers. With proof, I again ask the Court to take action against the unethical attorneys. Canon 3B(3)* of the Code of Judicial Conduct reads: "A judge should take or initiate appropriate disciplinary measures against a lawyer for unprofessional conduct of which the judge may become aware."

At this point, the Court is aware of the failure to serve multiple pleadings that, amongst other things, requested changes in conservatorship; the Court is aware that Respondent, Mark Maldonado and Opposing Counsel, George Mallers and Claire James intentionally interfered and obstructed Court orders, they interfered in child custody matters, and they have violated my constitutional rights -specifically my first amendment rights, my fourth amendment rights, my fifth and sixth amendment rights, and my fourteenth amendment rights. They have done so intentionally and with no regard to the harm this has brought the children in the matter. The Court has a fundamental duty to protect the sanctity of justice from the likes of attorneys like Claire James and George Mallers and to protect the children from psychological abuse.

CONTEST TO INDIGENCY IS UNTIMELY

The contest to my Affidavit of Indigency is untimely. If there was a challenge, it should have been raised within ten days of filing the Affidavit which was filed in the underlying case on November 30, 2020, again on March 23, 2021, and also, on April 5, 2021, in a related

case. See *Kirven v. Hamilton* G.C., 22 S.W.3d at 933 (Dallas, 2012), in which the trial court's order was reversed because the ruling was untimely; also see the following: No timely contest to Knowles' affidavit of indigence was filed. The trial court therefore erred in holding a hearing on the untimely contest. See Tex. R. App. P. 20.1(f); *In re B.A.C.*, 4 S.W.3d 322, 323 (Tex. App.-Houston [1st] 1999, pet. dismissed); Instead, the trial court was bound to accept the allegations in Knowles' affidavit as true, and she is "absolutely entitled" to proceed without advance payment of costs. See *Rios v. Calhoon*, 889 S.W.2d 257, 258 (Tex. 1994) (orig. proceeding) (construing former Tex. R. App. P. 40(a)(3)(E)); see also *In re B.A.C.*, 4 S.W.3d at 324 (by not raising objections to affidavit in timely contest, court reporter waives right to challenge sufficiency of affidavit); *In re B.R.G.*, 37 S.W.3d 542, 544 (Tex. App.-El Paso 2001, no pet.) (same).

Mrs. Varela was ordered by the Chief Justice of the Fifth District Court of Appeals to produce the records, and I have been permitted to proceed without payment. I did file a Mandamus Petition after the order was entered, but I did not request records for the Mandamus proceeding nor do I intend to. My hope is that much of this can be resolved before a full record is required, and I did pay as much as I could in obtaining the record for the Mandamus Petition. My heart goes out to Mrs. Varela, and I have expressed this many times. She has been helpful, kind, and diligent in working with me, and I know my gratitude does not adequately pay her for her time, but likewise as her kindness and effort does not remedy the complete denial of my parental rights, possession and access, or the due process rights I have been denied. There are other options: the county can pay her, or the sanctionable conduct of respondent and opposing counsel can be assessed against them, and appropriate sanctions can pay Mrs. Varela for her work.

Texas Government Code section 21.001 provides that (a) a court has all powers necessary for the exercise of its jurisdiction and the enforcement of its lawful orders, including authority to

issue the writs and orders necessary or proper in aid of its jurisdiction, and (b) A court shall require that proceedings be conducted with dignity and in an orderly and expeditious manner and control the proceedings so that justice is done. Further, the Texas Supreme Court has held that a court has inherent power to discipline attorneys for improper conduct. In re Bennet, 960 S.W.2d 35, 40 (Tex. 1997), Remington Arms Co. v. Caldwell, 850 S.W.2d 167, 172 (Tex. 1993).

PRAYER

I pray the Court to grant my requests: overrule the contest of my indigency, or in the alternative, hold Respondent and Opposing Counsel accountable for their actions, and allow them to pay Mrs. Varela for her work, or request Collin County provide payment as other Texas Counties do in this situation; provide orders that allow me to be part of MCM's and MAM's lives; put limitations on the amount of control Mr. Maldonado has over my relationship with the children; and, as with the attorneys, hold him accountable for his actions that have hurt me, the children, and our relationship. I pray for this relief as well as any other relief this Court shall deem necessary in law and in equity.

Respectfully submitted

/s/ Molly Wilkerson

Molly Wilkerson, Pro se
(missmolly2020@aol.com)

CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on Mark Maldonado's Attorneys of record as listed below in accordance with the Tex. Rules of Civ. Proc. on June 24, 2021 2021.

VIA E-File

Antoinette Varela

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Attorneys for Mark Maldonado

G. Tony Mallers

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/s/ Molly Wilkerson

Molly L. Wilkerson /Pro se

Phone: 214-636-4719

Email: missmolly2020@aol.com

Address: 218 Castleridge dr.

Little Elm, TX 75068

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Envelope ID: 55681941

Status as of 7/26/2021 10:44 AM CST

Associated Case Party: MollyLWilkerson

Name	BarNumber	Email	TimestampSubmitted	Status
Molly Wilkerson		missmolly2020@aol.com	7/26/2021 10:07:20 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Claire James		cjames@cowlesthompson.com	7/26/2021 10:07:20 AM	SENT
George AnthonyMallers		tmallers@cowlesthompson.com	7/26/2021 10:07:20 AM	SENT